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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

SRI LANKA

[5 March 1996]

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Introduction

1. In Sri Lanka important economic and social measures have been sustained which have ensured a high quality of life for its citizens. They include the availability of basic food items, medical services, educational facilities, housing and other essentials. These are not conceived purely as measures of social welfare. In their totality, they have helped citizens of the country to realize their full personality consistent with the political and civil rights they enjoy. All these measures are interrelated and have contributed in sum to the practical realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. Special programmes such as the Samurdhi Movement have enhanced the quality of life of even those Sri Lankans who may have, relatively speaking, been in less advantageous circumstances, giving them encouragement and the means to participate productively in the country's development process. State policies have also helped to reduce income disparities between different economic sectors and among different social groups in the country.

2. The realization of the rights embodied in the Covenant has been facilitated in Sri Lanka by a multiparty democratic system of government voted into power through the regular exercise of universal adult franchise since independence in 1948. Successive Governments also followed a consistent policy of promoting social welfare among the population. The nature of the benefits of social welfare programmes in Sri Lanka is difficult to appraise since the entire population has benefited from them and the beneficiaries themselves may not be able to assign results or quantify the value of the particular welfare services they have received.

Food

3. The subsidy on rice was introduced during the Second World War when it was the policy of the Government to ensure that consumers obtained essential foodstuffs at controlled prices. Rice was the major item among them. The objective was to insulate the consumer from the high cost of foodstuffs resulting from shortages.

4. Subsidized rice has appreciably contributed to promoting equality in income distribution. This is reflected in the findings of the Consumer Finances Survey of 1973 where monetary values were assigned to the free rice on the ration and other income in kind. Subsidized or free rice has been instrumental in giving an income, theoretically, to those who would be recorded as having no income at all. A feature which is peculiar to the Sri Lankan economy is that even though a person may, by definition, be classified as being unemployed and has, therefore, a zero income, in the real sense he does not fall into the zero income category because the monetization of subsidized rice, the sale of rationed commodities in the open market and other free services would provide him with an income. In Sri Lanka, therefore, a situation has prevailed where unemployed persons do not have a zero income.

Free education

5. Successive Governments since independence have maintained high levels of expenditure on education, averaging about 5 per cent of GNP or more than 15 per cent of total government expenditure. In 1981, the amount spent on education as a proportion of government expenditure was 10 per cent, representing about 3 per cent of GNP. As noted in the UNDP Human Development Report 1995, the 1990 expenditure on education accounted for 2.7 per cent of GNP or 8.1 per cent of total government expenditure. The impressive rate of literacy (see table at the end of this section) in Sri Lanka has been attributed to this vigorous education policy and the dedication of resources supportive of free education. At the outset, from a budgetary standpoint, free education was not a very costly item because there were only relatively few government schools providing facilities under this scheme. As admissions increased, steps were taken to increase the facilities in primary and secondary schools in all parts of the island. The number of school-going students increased rapidly from 1950 onwards.

6. An important feature of free education is that for the first time, the large masses of people in the rural areas had access to education. After 1960, most of the entrants to the universities were from schools in the rural areas. There was increasing pressure to gain admission to the universities as reflected by the numbers who were sitting for the qualifying examinations. In keeping with this need, two "Pirivenas" or traditional institutions of learning were given university status at the end of 1959, thereby sharply increasing the number of places in the universities. Thus, the number of students attending universities rose from 2,950 in 1958 to 4,723 in 1960. In 20 years, from 1950 to 1970, the number of students in universities increased six-fold from 2,036 to 12,647. In the period 1970-1980 the numbers were higher, with an average of about 14,500.

7. The rapid rate of increase in the number of school-going pupils, since the introduction of free education in 1946, is an index of the rate at which free educational facilities have been extended. It also explains the marked increase in expenditure on education.

8. Recurrent expenditure on education has risen progressively from 1956 onwards. The increase in expenditure after 1956/57 reflects the influx of greater numbers into the education stream as a result of the population increase that took place soon after the war. Thereafter, since the 1960s, with almost all fee levying schools being brought under the free education system, expenditure on education has continued to increase commensurate with the larger number of students who are now enabled to pursue their education up to the General Certificate of Education (Ordinary level), the higher salaries for teaching staff and the greater cost of equipment and materials.

Impact of free education

9. Quantifying the benefits of the free education system is a complex process. However, there is little doubt that the broad-basing of literacy and civic awareness through free education is a prerequisite for enhancing the quality of life of the population and promoting democratic governance and

public accountability. The UNDP Human Development Report places Sri Lanka's Human Development Index (HDI) about 130 points above the average HDI for the developing countries. Therefore Sri Lanka's educational accomplishments have not been inconsiderable for a country of its income level. As a result of high expenditures and high enrolment rates at all levels of education, adult literacy rose from 58 per cent in 1946 to 78 per cent in 1971, to 86 per cent in 1984 and to 89.3 per cent in 1992.

10. Free access to education also contributed to social and economic mobility and to political awareness and popular participation in governance, thus weakening the political and economic power of the traditional elite and creating an egalitarian social infrastructure. It has also contributed substantially to Sri Lanka's achievements in health, fertility reduction and has contributed towards increasing productivity in various sectors of the economy. The primary social benefit of the scheme is that it sought to provide equal opportunities of education to all persons, irrespective of income level and social standing. As a result, people from the rural areas and the underprivileged have had greater access to jobs. The impact of this scheme was seen after 1960, when students from rural areas, some for the first time, took public examinations free of charge which opened avenues to the highest posts in government and in the private sector.

11. Free education has also had a social multiplier effect, given the pivotal role of the family as a social unit in the institutional hierarchy of Sri Lankan society. Very often, the earnings of employed family members support others in the family who are not so well off. Free education has enabled at least one family member to ensure the income stability of the household. Free education has also contributed to a more equitable distribution of income as a wider segment of the population gained access to more jobs and higher income levels.

Health care

12. The national health policy of Sri Lanka from the early 1950s has been governed by a commitment to provide comprehensive and free health care to the entire population. This policy has applied to both preventive and curative programmes. No charges have been levied for public health services from 1950 onwards. Successive Governments have maintained reasonably high levels of expenditure on health, averaging about 6 per cent of total government expenditure until the 1970s. In 1982, about 1.3 per cent of GNP or 3.2 per cent of total expenditure was on health. The expenditure on health services rose from Rs. 50.2 million in the financial year 1949/50 to Rs. 104 million in 1956/57 and to Rs. 210 million in 1968/69. In 1974 the amount spent was Rs. 288.9 million and in 1984 Rs. 1,751 million. As noted in the UNDP Human Development Report 1995, public expenditure on health as a percentage of GDP in 1990 was 1.8 per cent.

13. From a purely social standpoint, in relation to other welfare expenditure, the greatest priority seems to be for free health services because one of the first objectives of the State should be the eradication of preventible disease in order to ensure a healthy population. This has been a consistent policy pursued by successive Governments in Sri Lanka. It is generally recognized that free medical care contributed to an appreciable

decline in the death rate from the late 1940s. Today, Sri Lanka has probably one of the lowest death rates among the developing countries of the world. Similarly, the infant mortality rate has fallen from 264 per thousand in 1935 to 140 per thousand in 1950, to 46 per thousand in 1973 and to 33 per thousand in 1984. The UNDP Human Development Report 1995 registered the infant mortality rate in Sri Lanka as 18 per thousand live births in 1992. (The developing country average according to the same report was 70 per thousand live births in 1992.) Although a direct correlation between the decline in the infant mortality rate and improved health services may not be possible to prove, the statistics show that the sharp fall in infant mortality has occurred from the time the free health services were introduced.

14. Two distinctive aspects of Sri Lanka's health system are that while it has an extensive coverage of the population through primary health-care facilities staffed by paramedical workers, it also provides a strong back-up referral system of clinics and hospitals staffed by both physicians and paramedical workers. WHO and UNICEF have focused on Sri Lanka's primary health-care strategy as a cost-effective and successful model for developing countries to emulate. Furthermore, the Western-type health-care system coexists with an important government regulated system of traditional Ayurvedic medicine. All economic groups make use of the Ayurvedic system. The traditional system complements the Western-type health facilities and has broadened the choice for the consumer.

15. Improved medical care has contributed to an increase in life expectancy in the country. For both males and females life expectancy has increased appreciably. In 1946, life expectancy for males was only 43.9 years, by 1953 it had risen to 61.9 years, to 66.9 years in 1977 and by 1984 to 67.5 years. The life expectancy rate for females has been slightly higher throughout and in 1984 it was 71 years. In 1992 life expectancy for males was 71.9 years and for females 74.2 (according to the UNDP Human Development Report, the developing country average was 61.5 years in 1992).

16. Free health care based on the primary health-care system has led to the expansion and the availability of medical services and a very high health awareness in all parts of the country. Along with free education, the Government has continued the development of medical schools that have maintained high standards and has provided the basis for the advancement of medical education and research. Sri Lanka has been able to develop a functional partnership of health work infrastructure combining governmental, intergovernmental and non-governmental institutions to project and implement an island-wide primary health-care network which is perhaps unique in the developing world.

Poverty strategies

17. In Sri Lanka, abject poverty and starvation have been unknown owing to the distribution of free or heavily subsidized essential food, which has ensured a minimum basket of basic food items for everyone. This has reduced mortality and morbidity and provided to the most needy their basic nutritional intake. Famine and epidemics have not affected Sri Lanka since the country attained independence.

18. From the point of view of living standards, during the colonial period three broad groups could be identified: the urban affluent minority, mainly in the City of Colombo and its suburbs, who enjoyed a high standard of living; the more than 75 per cent of the population that lived in the rural sector; and a third category of people who lived in the plantation sector.

19. The wages of plantation workers, in the earlier period, were always lower than those of their counterparts in the urban areas. However, family income in the estate sector was considerably higher than in the rural sector. Affirmative action deriving from the general welfare policies of the Government was responsible for this. Although the estate population, as a whole, has been poor, subsidies and government welfare expenditure have helped to sustain reasonable levels of nutrition and health standards. Furthermore, plantation workers have been assured of work throughout the year, unlike in other occupations where there is greater uncertainty in regard to the number of days of work available.

20. The policy in the second half of the 1970s was to rationalize food subsidy and divert more resources from consumption to investment. At the beginning of 1978, the Government decided to withdraw the subsidies from those who had satisfactory income levels. Included among the poor were approximately 1.1 million unemployed, who represented some 20 per cent of the workforce. However, the continuing availability of subsidized food and free services meant that the unemployed received some form of income. In this sense, no person in Sri Lanka has a zero income.

The Samurdhi (prosperity) programme

21. The present Government, which was elected to office in 1994, has initiated the "Samurdhi" programme which is a national development programme launched with the objective of eliminating poverty.

22. The Samurdhi programme differs from other poverty alleviation programmes so far implemented as it seeks not only to promote individuals' self-reliance and creativity, but also strives to involve the youth in the national development. Samurdhi seeks to eliminate poverty, which is both a social and economic evil in Sri Lanka. The movement is not benevolence oriented but productivity oriented. It is based on the concepts of people-centred development and economic growth with a human face. It attempts to improve the economic and social conditions of the family unit and enlist the direct involvement of the youth in development activities.

23. The salient features of the Samurdhi programme are the following:

It aims to implement family-based economic development projects identified on the basis of the specific needs, skills, assets and other abilities of each family;

Groups elected from among the youth of the village will be entrusted with the tasks of identifying and implementing relevant projects for each family unit in the respective villages, rural and regional

administrative areas. They will also assist in the distribution of the welfare allowances provided by the Government and identify the target group;

A welfare allowance is paid to selected low-income families. The other poor families will be encouraged to engage in economic activities, depending on their abilities. Therefore, the Samurdhi will be an overall development process coupled with a welfare package;

The Samurdhi programme will be a grass-root level process where views, proposals and decisions relating to economic development, welfare and other activities are fed back to the national level from the village level, instead of filtering down from the top to the bottom;

Use of the local resource base will be given a high priority in the selection of development projects at family, village and regional levels;

The Samurdhi programme will coordinate all rural development programmes implemented by various government and non-governmental agencies to accelerate the development process and coordination amongst the implementing agencies, and to minimize waste;

Development projects will be formulated for improving the economic conditions of all low-income families, irrespective of whether they receive the welfare allowance or not;

Collective projects, cooperative, joint ventures and company projects will be set up for the welfare and improvement of family units;

Income, expenditure and resource ownership will be used as criteria for determining poverty. The level of poverty and the quantum of welfare payments are determined on the basis of income and the resource ownership of the family. But the family expenditure will also be taken into account to determine the level of poverty to minimize any misrepresentation and to arrive at a far more accurate decision;

A reliable means of income will be ensured to alleviate the poverty of the family by providing technical know-how, capital requirements, advisory services, market facilities and managerial skills;

Sustainable self-employment projects will be launched to eliminate poverty at the village level;

Special attention will be paid to the quality and marketability of goods, which would be produced by the beneficiaries of the Samurdhi programme;

Producers will be encouraged and assisted to turn out quality goods suitable for and competitive in foreign markets;

The economic and social bases of the village will be strengthened and the village empowered through the implementation of social mobilization programmes;

The activities of youth clubs, sports clubs and development societies will be integrated with the Samurdhi programme;

A system of financial services will be provided through the Samurdhi Bank to encourage savings in the rural sector and to meet the financial needs of low-income families;

Products which bring out the latent and creative talents of the people will be encouraged;

The Samurdhi Foundation will function as a resource centre. The services of various organizations and extension services will be coordinated to the village through the Foundation;

All the support services, including the existing extension services for rural development, will be utilized by promoting better coordination between the officials and the beneficiaries.

Policies contributing to equal income distribution

24. Compared to several other developing countries, Sri Lanka has been successful in achieving reasonable levels of income distribution and raising the living standards of the poorer section of the community, thereby harmonizing limited economic growth with redistribution.

25. The use of conventional statistical indicators such as growth rates and per capita income to assess Sri Lanka's progress seems to be inadequate in the light of achievements in social welfare and income distribution. The economic indicators currently used do not reflect changes in the level of poverty in a country, nor do they show the state of general contentment and well-being of the population. What is of significance in Sri Lanka's case, is that distribution of income has shown equality despite a relatively low average growth rate.

26. Even though the increase in gross national product (GNP) at constant prices in the decade before 1977 averaged about 4 per cent, the share of GDP accruing to the middle and lower income groups has been proportionately greater. This has been achieved through the composite process of extensive welfare transfers, fixing minimum wages through income, gift, wealth and turnover taxes and ceilings on ownership of land, house property, income and wealth. Income transfers through welfare expenditure have been the most important component of the strategy of redistribution.

27. The tax system has made a major contribution towards the reduction of disparities in income and wealth. Tax policy, along with other legislative measures, have been increasingly focused on reducing wealth and higher incomes. In this respect the gifts tax, the levy on capital, the acquisition of business concerns under the Business Undertakings Act, and the two phases of the land reform programme have directly contributed to reducing income and

wealth. Apart from these, tax policy and welfare expenditure have been instrumental over a long period of time in transferring income from the higher to the lower income groups. Up to the late 1950s, income tax was the only major direct tax that provided resources to support a programme of welfare services. The liability of persons to income tax and the rates of taxation have varied from time to time. A tax which has had a major redistributive effect has been the wealth tax, which was introduced in 1958. This tax has been levied since the 1950s on persons residing in Sri Lanka on their net wealth other than immovable properties outside Sri Lanka. The tax is progressive and the graduation is effected by a tax free exemption limit on wealth.

28. A tax which has tended to reduce both income and wealth has been the gifts tax, which is on a graduated scale and integrated with estate duty.

29. Government policies in the past three decades have contributed to the transference of income to the domestic agricultural sector in many ways. Within this framework, the policy of colonization of land and increasing expenditure on the rural economy has contributed to raising incomes and removing disparities. The object of colonization was to provide employment and to develop new patterns of farming, while achieving a fair level of self sufficiency in the production of rice.

30. Changes in income and the ownership of wealth have also been effected through tenurial reforms and the creation of institutions for the development of agriculture. The Paddy Lands Act of 1958 constituted a significant landmark in rural rehabilitation and economic development. The system of tenure of paddy lands which prevailed before 1958 had been in operation in Sri Lanka from time immemorial. Of the total paddy land, nearly 400,000 acres were cultivated by 300,000 tenant farmers. The system of tenancy that prevailed before was unsatisfactory because adequate incentives for cultivation were lacking in view of the fact that landlords ultimately received the bulk of the crop, very often even without bearing any part of the cost of production. The Paddy Lands Act gave security of tenure to tenant farmers. The Act has, to some extent, relieved indebtedness because farmers have enjoyed a bigger share of the crop and have been in a better position to repay their debts.

31. The diffusion of wealth has figured as a vital component of economic policy in Sri Lanka because income from property has constituted a major share of total income. Hitherto, property had been owned by a relatively small segment of the total population. When the first phase of the land reform programme was initiated in 1972 only some 5,000 landowners in a population of 13 million were affected by the ceiling on land ownership. These figures are an index of the concentration of land ownership. In the rural areas, paddy lands constituted the most important form of wealth and about 33 per cent of these lands were cultivated by tenant farmers who did not own the land. This implied that the bulk of the paddy lands in the country were owned by cultivators.

32. The concentration of economic power that arose from the ownership of land weakened with the introduction of land reform in 1972. Land reform was found necessary to diffuse the ownership of land and property in order to

provide a base for the further development of the country's agricultural economy. The Land Reform Law of 1972 stipulated a ceiling on the amount of agricultural land which could be owned by persons in Sri Lanka. The ceiling was 25 acres of paddy land or 50 acres of other agricultural land. After 26 August 1972, any land owned in excess of this ceiling was automatically vested in the Land Reform Commission. The total extent of agricultural land declared to the Commission was in the region of 1.2 million acres. Of this, about 638,000 acres were under the major crops, tea, rubber, coconut and paddy. Of the declared total, the Land Reform Commission acquired under the Law 559,377 acres; approximately one third of this acreage was uncultivated land, while tea accounted for nearly one fourth, rubber about 15 per cent and coconut about 10 per cent of the area under cultivation.

33. Government income distribution strategies have been put into operation through labour legislation and minimum wage machinery. Throughout the past two decades, there has been a tendency for wage rate adjustments to take place and minimum wages have been fixed in many new trades. Today, there are over 36 wages boards representing vital areas of economic activity and covering a substantial part of the working population. Some part of the steady rise in wages has been due to trade union pressures. Trades coming under wages boards have been able to get fringe benefits, which include risk allowances, superannuation benefits, subsidized travel, additional holidays and leave with pay, overtime and better terms of service. All these have helped to increase the earnings of organized labour and those who have come under minimum wage determining machinery. Many trades and occupations have been brought under minimum wage fixing machinery to ensure that the lowest rates of pay are raised to satisfactory levels. As a result, substandard wages are virtually non-existent today.

34. Direct subsidies have been the most effective method of redistributing income and diffusing the results of economic growth to the lowest income receivers. Sri Lanka has had extensive subsidies on food distributed by the Government, mainly on rice, and has provided free education and free health services over an unbroken period of time, for almost 50 years. The subsidy on rice which has been discussed earlier originated in war time rationing and was introduced in February 1942. This subsidy was, until 1978, enjoyed by all categories of persons other than those who paid income tax. For the lowest income groups, it amounted to a substantial addition to income and also assured the availability of rice on a weekly basis even to those without income because the first measure was available without payment. Subsidized rice has appreciably contributed to greater equality in income distribution.

35. Free education has been available since 1947 without interruption to all citizens. Government expenditure on free medical care has helped to produce a healthy population and eradicate epidemic diseases to a large extent. The scheme of medical care has provided free medical attention at hospitals and clinics for people with means as well as those without an income. Since the 1940s, house rents have been virtually frozen, which to a great extent has helped to contain the living expenditure of the lower income groups. For more than 30 years most houses have come under rent control. These controls have

helped to redistribute income because house rent accruing to the propertied class has been held in check, while the real incomes of tenants, who mostly fall into the lower income groups, have risen because rents have not been geared to general price increases.

36. Income transfers have also been achieved by keeping the prices of certain public services relatively stable over a long period of time. In the case of public transport, substantial changes in bus fares were effected only after 1973 when operating costs escalated sharply with the increase in the price of petroleum products. The Sri Lanka Transport Board, which took over privately run bus services in 1958, for a considerable time continued to charge the same fares that were levied when these services were operated by private companies. Similarly, the Ceylon Government Railway, which has been a state enterprise from its very inception in the 1850s, has continued to be subsidized by the State.

37. Thus, for almost 50 years, successive governments in Sri Lanka have continued a policy of providing extensive benefits to all segments of the population. These included subsidies on essential foodstuffs, particularly rice, free education, free medical care and subsidized prices for public transportation and housing. Since these liberal welfare measures have been available over a long period, Sri Lanka occupies a comparatively advanced position in terms of the quality of life of the population, as indicated in the table below.

Table 1. Quality of life indicators

	Life expectancy at birth (years) 1992	Adult literacy rate % 1992	Adult female literacy rate % 1992	Human development index 1992	Real GDP per capita 1992 (PPP$) a/	Maternal Mortality rate per 100,000 live births 1980-1992
Sri Lanka	71.9	89.3	85.8	0.704	2 850	80
Developing country average	61.5	68.3	59.3	0.570	2 591	351

Source: UNDP, Human Development Report 1995.

a/ Purchasing power parity.

Article 1

38. Sri Lanka recognizes the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and further elaborated in the 1960 Declaration on the Granting

of Independence to Colonial Countries and Peoples, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Vienna Declaration and Programme of Action of June 1993.

39. This principle was reiterated most recently in the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations. Sri Lanka endorses the right of all peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right to self-determination. However, this cannot, as that Declaration underlines, be construed as "authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States".

40. While the concept of self-determination applies essentially to people under foreign occupation or alien domination, individuals have a continuing right to freely determine their political status and pursue their economic, social and cultural development.

41. Universal adult franchise, the most widely recognized vehicle for the realization of the individual's right to self-determination, took root in Sri Lanka in 1931, even before the country gained independence. The electoral process, which provides for free and fair elections through secret ballot and in which all adult citizens are eligible to participate without discrimination, is conducted at periodic intervals as specified in the Constitution. The average voter participation for the period between the attainment of independence and 1977 was 73.37 per cent.

42. Multiparty elections take place at regular intervals at the local government, provincial and national levels. A party which gains recognition by registering with the Commissioner of Elections is free thereafter to campaign and contest all elections that are held. The democratic process in Sri Lanka is enriched by the multiplicity of political parties reflecting various shades of political opinion and ideologies and all ethnic groups, which compete to gain electoral support.

43. Under article 4(e) of the Constitution, every citizen above the age of 18 is eligible to vote at elections. Women exercised the right of franchise even before Sri Lanka gained independence and long before their counterparts in some Western democracies enjoyed this right.

44. Articles 90 and 91 of the Constitution set out the qualifications and disqualifications for being a candidate for election as a Member of Parliament.

45. The Constitution also makes provision for the electoral system to be followed and the times at which elections will be held.

46. Articles 103 and 104 of the Constitution provide for the office of Election Commissioner for the purpose of ensuring impartiality, fairness and compliance with the law in respect of elections. As a matter of practice,

after each election or referendum held by him, the Commissioner of Elections issues a report containing his frank and comprehensive observations as to the conduct of the election or referendum. The report points out deficiencies in the electoral process. The Government usually attaches great importance to the observations of the Commissioner and his recommendations, in view of the independent and impartial nature of his office.

47. Sri Lanka has also in the recent past invited international observer teams from the South Asian Association for Regional Cooperation (SAARC), from the Commonwealth and from other countries to observe the conduct of elections. The report of the group which observed the parliamentary general election of 1994 concluded as follows:

> "We cannot conclude without expressing our admiration for the people of Sri Lanka for their enthusiasm and maturity by participation in this election in such large numbers. The high turnout of voters suggested a strong commitment on the part of the people of Sri Lanka to the system of parliamentary democracy and to the holding of free and fair elections as a means of selecting their representatives to parliament."

48. The regular exercise of universal adult franchise has been a consistent feature of the political life of independent Sri Lanka. No Government took office other than through keenly contested elections. Thus, the electoral process has afforded ample opportunity for the exercise of the right to self-determination.

49. Furthermore, over the past 15 years constitutional changes have been effected in order to safeguard the legitimate rights of the minority groups. There is an ongoing process of evolving further constitutional change to enhance respect for fundamental rights consistent with the Covenants and to promote and protect minority rights in accordance with the 1993 Declaration on the rights of minorities.

50. The 1978 Constitution introduced a system of proportional representation for election to Parliament, replacing the simple plurality or the first-past-the-post system which had existed since independence. Under the system of territorial representation based on plurality, ethnic minorities were not adequately represented in Parliament. However multi-member constituencies under the system of proportional representation make it possible for ethnic minorities, including small ethnic groups, to elect their representatives to Parliament.

Composition of Parliament according to ethnicity

Number of Sinhala Members of Parliament	175
Number of Tamil Members of Parliament	29
Number of Muslim Members of Parliament	20
Number of Parsee Members of Parliament	1

The composition of Parliament according to party

Party	No. of seats
The People's Alliance	105
The United National Party	94
Sri Lanka Muslim Congress*	7
Tamil United Liberation Front*	5
Democratic People's Liberation Front*	3
Sri Lanka Progressive Front	1
Independent (Nuwara Eliya)	1
Independent II (Jaffna)	9

* Minority party

51. The 13th Amendment to the Constitution devolved administrative and legislative power to nine provincial councils. Provincial councils were an important step in the evolution of the political institutions of Sri Lanka, based on the concept of devolution of central government power. Under this system elected representatives of the people at subnational levels exercise legislative powers. The provincial councils are vested with powers to make statutes applicable within their provinces in respect of a wide range of subjects set out in the Provincial Councils List, which include the power to make laws relating to police and public order, local government, health, social service and rehabilitation, etc. They may also pass other laws set out in the Concurrent List, in consultation with Parliament.

52. The Government has now placed before the people and the Parliament comprehensive proposals in the form of a draft legal text for greater devolution of power to regional councils. These proposals envisage that Sri Lanka will be a "Union of Regions". Each region is to have a regional council which will have exclusive authority over an extensive list of subjects, including regional law and order, land and land settlement, education, agriculture, industries, housing, roads, transport, energy, rehabilitation, etc. A National Finance Commission will ensure that revenue is shared by the central Government with the regions, to supplement the taxes collected locally.

53. An important departure from the 13th Amendment in the Government's proposals for the devolution of power is that they emphasize the necessity for regional legislative power within specifically defined limits. If devolution of power is to be meaningful, the power to enact laws on devolved subjects should be vested in the regional councils. This could not be done under the 13th Amendment as it vested legislative power exclusively in Parliament.

54. The present proposals, therefore, provide that the exclusive power to legislate upon subjects that are devolved should necessarily be vested in the regional councils. The subjects to be so devolved have been identified in two lists, with clarity and certainty being the governing consideration. Accordingly, the regional list included in the proposals contains 46 subjects and legislative power in respect of these subjects have been vested in the

regional councils. The concurrent list, which existed under the 13th Amendment and which was a subject of considerable controversy and uncertainty in its implementation, has been done away with.

Article 2

55. At present the Constitution of Sri Lanka distinguishes between citizens and persons in respect of the right to equality (art. 12 [2]) and the freedom of speech, assembly, association, occupation, movement, etc. These restrictions are to be amended, making these rights available to every person, as part of the proposed constitutional reforms.

Article 6

Labour Force

56. Population censuses and labour force surveys conducted since independence have shown rapid growth in Sri Lanka's labour force. It has increased from 2.6 million in 1946 to an estimated 6.48 million in 1990. Unusually high population growth levels in the post-independence period, expansion of education opportunities and the rising age at marriage are factors that have increased the economic participation of the population. The annual growth in the labour force has averaged approximately 2.3 per cent. Out of the 6.48 million in the labour force, an estimated 5.76 million were in some form of employment.

Employment

57. Employment in the government sector, consisting of the central Government, provincial councils and local authorities, was estimated to be 699,898 as at the end of 1994. This is an increase of 3.5 per cent over 1993. The increase was largely reflected in the category of "Doctors and health personnel" and in the category of "Clerical and related workers", which showed increases of 8 per cent and 6 per cent respectively over the previous year. The "Service workers" category increased by 4 per cent in 1994.

58. Employment in semi-government institutions, including public corporations, statutory boards and government-owned business undertakings and state banks rose by 1 per cent during 1994. The increase in the categories of "Clerical and related workers" and "Professional, technical and related workers", by 5 and 4 per cent, respectively, was responsible for this increase.

Table 2. Public sector employment

Year	Total No. of employees
1992	1 291 230
1993	1 295 277
1994	1 325 164

Source: Central Bank of Sri Lanka.

59. The distribution of the employed population by industry presented in table 3 shows the structure of employment in recent years compared to the structure based on the 1971 and 1981 censuses.

Table 3. Percentage distribution of the employed population by industry, 1971, 1981, 1990 to 1995

Industry	Census 1971	Census 1981	1990	1991	1992	1993	1994	1995
Agriculture, forestry and fishing	50.1	45.2	47.0	42.5	42.0	41.5	39.5	35.7
Mining and quarrying	0.4	0.9	1.9	1.1	1.6	1.6	0.8	1.2
Manufacturing	9.3	10.1	13.6	13.4	13.1	13.2	14.4	14.6
Electricity, gas and water	0.3	0.4	0.5	0.4	0.4	0.6	0.6	0.4
Construction	2.2	3.9	3.7	4.7	4.8	4.4	4.1	5.4
Wholesale and retail trade	9.4	10.5	9.3	10.7	11.3	11.1	12.2	13.2
Transport, storage and communication	4.9	4.8	4.1	4.1	4.4	4.1	4.7	4.8
Finance, insurance, real estate and pensioners's services	0.7	1.1	1.1	1.9	1.5	1.6	1.9	1.8
Community, social and personal services	13.5	15.9	15.9	14.8	16.9	17.4	18.0	17.4
Activities not described	8.6	9.4	2.8	4.8	4.1	4.5	4.0	5.8

60. According to the percentage distribution of the employed population given in table 3, the predominant position enjoyed by the agriculture, forestry and fishing industry sector is decreasing steadily and its share dropped from 50.1 per cent in 1971 to 39.5 per cent in 1994. That share dropped further to 35.7 per cent in the first half of 1995. On the other hand, other important sectors, such as manufacturing, construction, the wholesale and retail trade and community, social and personal services, show increasing trends in their share of employment. With technology-based development, the percentage share of employment in the agriculture sector declines and the shares in the manufacturing, construction, the wholesale and

retail trade, etc., show increasing trends. The share of the manufacturing sector increased from 9.3 per cent in 1971 to 14.4 per cent in 1994. It further increased to 14.6 per cent in the first half of 1995.

61. Similarly the share in employment of the wholesale and retail trade increased from 9.4 per cent in 1971 to 12.2 per cent in 1994 and to 13.2 per cent in the first half of 1995. The share of the manufacturing sector in total employment is expected to grow at a faster rate in view of the incentives provided by the Government to industrialists, especially to the projects under the Board of Investment. The Board is the only statutory agency responsible for promoting and facilitating foreign investment in Sri Lanka. It was set up in 1978, along with the country's first Export Processing Zone in Katunayake. Subsequently, three more zones were established in Biyagama, Koggala and Kandy. The objective of these zones is the promotion of export oriented foreign investment with a package of inducements which include liberal tax incentives and the provision of complete infrastructure facilities within each zone.

62. In addition to the above, the Samurdhi programme (the Prosperity Movement) has created a number of job opportunities for youth. The programme has recruited 1,110 graduates as Samurdhi managers and 29,568 as Samurdi Niyamaka officers at the grass-roots level in the third quarter of 1995.

Unemployment

63. The liberal economic policies pursued since 1977 contributed largely to the reduction of the unemployment rate from 24 per cent in 1973 to 11.8 per cent in 1982. The open economic environment combined with a more realistic exchange rate and substantial investment incentives attracted unprecedented flows of both foreign aid and foreign investment which have helped to generate new employment opportunities. Unemployment fell in all three sectors; the urban, rural and estate sectors. In addition, the opening up of employment opportunities for migrant workers in the Middle East and three large development projects namely the Mahaveli Development Project, the Free Trade Zone and the Greater Colombo Area Urban Development Programme had significant impact on employment creation.

64. The momentum in employment generation slowed down in 1982. The reduced rate of economic growth in the mid-1980s and the consequent inability of the economy to absorb the continuing influx of the labour force and the emergence of terrorist initiated violence in some parts of the country affected employment. The tourist industry, which had been an important sector of employment creation since 1978 was also affected. Unemployment in 1986/87 had increased to 15.5 per cent.

65. However, since 1988 the momentum in employment generation has again been picking up. The tourist industry, which had been experiencing a downward trend since 1983, showed remarkable progress in 1990 as a result of the improved security situation. The activities of the Greater Colombo Economic Commission (GCEC) were expanded. Two new investment promotion zones and emphasis on self-employment creation schemes under the various poverty alleviation programmes helped generate new employment opportunities.

Sectoral levels of unemployment

Table 4. Unemployment rate by province (excluding North and East)

Province	1985/86 rate	1992 rate
Total	12.08 (14.07)*	12.63
Western Province	15.01	13.63
Central Province	11.11	11.87
Southern Province	14.99	15.82
North-western Province	8.55	10.03
North-central Province	6.01	7.97
Uva Province	7.98	10.15
Sabaragamuwa Province	11.14	13.93

* Including the North and East.

By region

66. The provincial unemployment trends suggest that except for the Western Province, all other provinces have recorded a rise in the rate of unemployment between 1985/86 and 1992.

Table 5. Unemployment rate by sex

Sex	Including North and East		Excluding North and East	
	1980/81	1985/86	1993	1995
Total	15.3	14.1	13.77	12.4
Male	12.4	10.8	9.72	9.0
Female	23.0	20.8	21.7	19.2

In 1994, among the unemployed 52 per cent were female/48 per cent males.

By gender

67. The unemployment rate for females has been higher than that for males over the years and continues so. However, it was only 52 per cent of total unemployment in 1994, the reason being the lower participation rate of females in the labour market compared with that of males.

Table 6. Unemployment rate by age

Age group	1980/81	1985/86	1990
All ages	13.29	14.07	14.42
15-19	28.50	31.70	29.90
20-29	21.29	31.70	26.85
30-39	5.91	8.10	9.50
40-49	2.03	4.60	2.90
50 and above	0.68	3.04	2.75

In 1994: 15-19 years 22 per cent; 20-40 years 73 per cent; 40 and above 5 per cent.

By age

68. A gradual rise in the unemployment of youth in the age group 20-40 can be noticed during the period 1981-1990 at the all-island level. The unemployment profile in 1994 suggests that almost 75 per cent of the unemployed are in the above age group.

69. A major problem confronted by successive governments in Sri Lanka since independence have been how to increase employment opportunities to match the growing labour force in the country. Thus, the expansion of employment avenues has been given serious consideration in the formulation of government policies.

70. Constitutional provisions guarantee that there is freedom of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual.

71. Article 14 (1) (g) of the Constitution states that every citizen is entitled to the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.

Vocational and technical training

72. Vocational and technical training constitute an important part of the country's system of human resources development. A wide variety of vocational and technical training programmes which are mostly non-formal in character are conducted by a number of government, semi-government, private and NGO sector institutes. They have all been targeted mainly at school leavers, although the workforce has also benefited through further training or retraining. These training institutes are important channels for those outside the general education stream and the universities to acquire skills or knowledge in the pursuit of an occupation.

73. The total number of such institutes have been currently estimated to be about 3,000:

Public	1,000
Private	1,750
Non-governmental sector	250

74. A recent survey, conducted by the Tertiary and Vocational Education Commission, of a sample of vocational and technical training institutes, identified a broad range of courses available at these institutes on subjects ranging from Carpentry to Beauty Culture in the vocational field and from Auto Mechanics to Stenography in the technical field.

75. The survey findings on the geographical distribution of training facilities reveal that training facilities are unevenly distributed between the provinces. A large number of institutes are concentrated in the Western Province. The survey also found that the demand for training far exceeds the current capacity.

76. The diffusion of training provided in the multitude of institutes clearly lacked coordination at the national level till recently. There were no nationally recognized standards or awards to steer the training to suit the demands of a highly competitive economy. The urgent need for vocational and technical training was recognized in the report of the Commission on Youth Unrest. It stated that the vast majority of students did not enter university and that therefore the tertiary and vocational education sector must be carefully planned and systematically developed.

77. The Tertiary and Vocational Education Act No. 20 of 1990 was passed in June 1990, to provide for the establishment of the necessary institutional mechanism to oversee and plan this sector of training and education. It has created the national coordination that had been missing in past decades.

78. The Tertiary and Vocational Education Commission appointed in September 1990 has now begun the operational features of the law. The Commission is mandated to develop this sector in keeping with the human resource needs of the economy. Its task involves the mobilization of the training institutes and of the organizations which demand certain skills for employment. It is also assessing the nature of its clientele, which is comprised largely of school leavers.

79. The current thrust of the Commission is to mobilize the training institutes through a mandatory process of registration. This requires the institutes to demonstrate that they can adequately provide training. Consequently, the institutes are obliged to supply the Commission with information sought on such matters as facilities provided, staff qualification, type of examinations held, duration of courses and student enrolment. An inspection of the institute is then carried out to verify the information provided.

80. The registration of the institutes allows inventorization of the national stock of institutes which are able to provide tertiary, vocational and professional education, so that guidelines can be issued by the Commission for mandatory compliance with academic and training standards. This will facilitate the preparation of the trainees for a nationally recognized system of awards.

Article 7

Principal methods used for fixing wages

81. The wage fixing system operating at present in Sri Lanka, is multifarious and consists of an assortment of wage setting mechanisms. These mechanisms can be classified into two broad categories: government sector and non-government sector wage fixing mechanisms. The government sector mechanisms are:

Government pay commissions;

Executive or cabinet decisions.

The mechanisms by means of which wages have been determined in the non-government sector are the following:

Executive or cabinet decisions;

Wages boards;

Remuneration tribunals;

Arbitration and conciliation procedures;

Collective bargaining;

Unilateral employer decisions.

Pay commissions

82. Pay commissions are appointed from time to time to review the wages of government employees. Recommendations made by these commissions and wage decisions made on the recommendations apply to all employees in the public sector from the lowest to the highest grade.

Executive or Cabinet decisions

83. Executive or Cabinet decisions, though not frequently made use of before the 1970s, became a regular feature of the wage determination process in the 1970s. Occasions when these wage decisions were announced as one of the annual budget proposals were not infrequent. Many a time benefits of such wage increases have been extended to employees in the non-government sector as well.

Wages boards

84. Wages boards set up under the Wages Boards Ordinance determine wages in a number of industries, services and plantations on a tripartite basis.

Arbitration and conciliation procedures

85. Sections 3 and 4 of the Industrial Disputes Act carry provisions for conciliation and arbitration procedures. They take the form of arbitration by a body appointed for the purpose or conciliation by the Commissioner of Labour or his nominee.

Collective bargaining

86. Part III of the Industrial Disputes Act provides the legal basis for another source of wage determination: collective agreements.

Remuneration tribunals

87. Provisions for the setting up of remuneration tribunals are spelt out in the Shop and Office Ordinance Act No. 19 of 1954. Remuneration tribunals focus on the employees covered by the Shop and Office Act, largely those in non-operative grades. Twelve such tribunals have been established altogether and minimum rates have been set for several thousand workers in various service enterprises. The Shop and Office Act stipulates that the establishments to which rates are applicable be specified in a schedule. However, the authorities have not had recourse to this mechanism since the 1970s and it has become completely moribund.

Unilateral employer decisions

88. Unilateral employer decisions are a dominant form of wage determination. Individual bargaining is less common and limited to highly skilled professionals and executives.

Minimum wages

89. A minimum wage fixing system is defined as a statutory process aimed at achieving a more generally applicable and legally enforceable lower limit to wages, invoking the authority of the State.

90. Of all the mechanisms mentioned above, only two can be singled out as being statutory processes that fall within this definition, i.e. the remuneration tribunals and the wages boards. Since remuneration tribunals are no longer functioning, the mechanism of the wages boards is the only existing minimum wage system in Sri Lanka.

91. The history of the minimum wage system in Sri Lanka goes as far back as 1927, when the Minimum Wages (Indian Labour) Ordinance was enacted to regulate wages paid to Indian migrant labourers. This law was later superseded by the Wages Boards Ordinance of 1941, which was more widely

applicable. The law recognized several important principles, such as the fixation of minimum rates of wages, the introduction of a legally defined working day, the minimum age of employment and the concept of tripartism. At present 39 wages boards are functioning and determine minimum wages for the following industries:

Agriculture, hunting, forestry and fishing

1. Tea growing and manufacture
2. Rubber growing and manufacture
3. Coconut growing and manufacture
4. Cocoa, cardamon and pepper

Manufacturing

5. Paddy hulling
6. Biscuits and confectionary manufacture
7. Baking
8. Coconut manufacturing
9. Liquor and vinegar
10. Ice and aerated water manufacture
11. Beedi manufacture
12. Textile manufacture
13. Hosiery manufacture
14. Batik manufacture
15. Garmet manufacture
16. Tanning, footwear, leather manufacture
17. Printing
18. Match manufacture
19. Tyre tube manufacture
20. Glassware manufacture
21. Brick and tile manufacture
22. Engineering trade

Construction

23. Building trade

Wholesale and retail trade, restaurants and hotels

24. Tea export
25. Rubber export
26. Coir mattresses and fibre export
27. Retail and wholesale
28. Hotel and catering

Transport, storage and communications

29. Motor transport
30. Finance, insurance and real estate

Community, social and personal services

31. Nursing home
32. Cinema
33. Security services
34. Journalists' trade
35. Janitorial services

92. The manufacturing sector, with the 20 wages boards is the industry division with the largest number, while the agriculture, wholesale and retail trade, restaurants and hotels, and community, social and personal services sectors account for 15 wages board.

The number of persons covered by each group

93. It is estimated that approximately 60 per cent of the total employed population is covered by wages boards. A precise computation of the number of persons covered by each group is not possible.

Competent authority for determining these groups

94. Under section 6 of the Wages Boards Ordinance the Minister of Labour has the authority to apply the provisions of the Ordinance to any specified trade and to establish a wages board for that trade, subject to the requirement that his intention to do so is published in the government gazette and newspapers, giving an opportunity to interested parties to make objections. Provision is also made to facilitate conducting inquiries for the purpose of investigating such objections. Where it appears to the Minister that a wages board cannot be established for any trade for special reasons, the Minister can authorize the Commissioner of Labour to determine minimum wage rates for workers in that trade.

Wage earners outside the protection of the minimum wages system

95. The Wages Boards Ordinance is applicable to persons employed in any trade. Trade has been defined to include any industry, business undertaking, occupation, profession or calling carried out, performed or exercised by an employer or worker in any branch of or any function or process in any trade.

96. However wages boards have not been established in every "trade". The following industries employing a large number of workers have been identified as still not covered by wages boards:

Vegetable and fruit growing;

Livestock;

Fishing;

Dairy products;

Vegetable and animal oil and fat;

Sugar;

Beverages;

Wood and cork;

Paper and paper products;

Industrial chemicals;

Soap and cleaning products;

Pottery, china and earthenware;

Cement and lime;

Jewellery and related articles.

97. The following categories of workers have been expressly excluded from the operation of the wages board law:

(i) Employees of the State;

(ii) Any industry or business undertaking which is carried on mainly for the purpose of giving industrial training to juvenile offenders or orphans, or to persons who are destitute, dumb or blind;

(iii) Employees in government-owned business undertakings under the Business Acquisition Act.

Force of law

98. Section 21 of the Ordinance provides that where a minimum wage has been determined by a wages board, every employer covered by such board is obliged to pay such minimum wage. Failure to comply is an offence punishable under the law.

Criteria for fixing wages

99. The Wages Boards Ordinance does not specify the criteria that should be taken into account in the determination of initial minimum wages. The Ordinance simply provides that any minimum wage determined by the wage board may consist of:

(a) A basic rate;

(b) A special allowance at a rate to be adjusted at such intervals and in such a manner as the wages board may in such decision direct, to accord nearly as practicable with the variations in the cost of living index.

It appears that a wages board, at its own discretion, can adopt the criteria that it considers appropriate. On the wages boards the decision-making process has to a great extent taken the form of bargaining among groups representing their own interests. The notion of comparable wages and incomes emerges as the overriding criterion upon which almost all initial pay decisions are based. Wages of comparable groups of workers seem to be the basis on which employee representatives strive to argue their demands for wage increases. While employer representatives base their counter arguments mainly on the ability of the establishment to pay. The notion of the needs of workers and the requirements of economic development has not been taken cognizance of when setting initial minimum wages.

The machinery for fixing, monitoring and adjusting minimum wages

100. The machinery for minimum wage fixing in Sri Lanka is an independent, permanent and tripartite board with powers of effective recommendation, established at industry level to determine minimum rates of wages for specified groups of workers in industries. This mechanism provides a convenient framework for fixing rates on an industry-by-industry basis, taking into account special circumstances of respective industries with the direct participation of all social partners.

101. Every wages board is to consist of the Commissioner of Labour, members representing employers and workers in the trade for which the wages board is established, and nominated members. The Minister can nominate members to a wages board, not exceeding three in number. The Commissioner of Labour is the chairman of every wages board and must preside at all meetings of such boards. But he is not entitled to vote on any question. Every decision of a wages board must be taken by a majority of the members present, and statutory provisions guarantee the equal voting strength of representative members. The statutory requirement of giving opportunity to interested parties to submit objections and the double discussion procedure ensure fair decisions, while involving all parties concerned.

102. Once a wages board makes a decision on a minimum rate of wage, such decision must be approved by the Minister. The Minister has the authority to refer back wages board decisions for reconsideration. In other words, he can either accept or reject, but not alter them. However, in practice this authority has become an extremely selective option. For the entire period of 53 years since the enactment of the ordinance, only two such occasions can be found. In 1985, the Minister referred back a decision for a wage increase ratified by the wages board for the hotel and catering trade in the interest of the industry, which was in difficulties as a result of heavy losses accrued in 1983. Yet another case in point, though not a direct denial of ministerial approval, is the deferment from 1971 to 1979 of a wage increase decision of the wages board for the tea growing trade in order to avoid a further slump in an industry which was reeling owing to remarkable drops in export prices. This implies that wages boards are the virtual decision makers concerning wages for the trade for which they have been established.

103. As stated before, any minimum rate of wage determined by a wages board consists of a basic rate and a special allowance to be adjusted on the basis of variation in the cost of living index. Under the law, the minimum wage

fixing authority may decide upon the interval at which minimum rates of wages should be revised to accord as nearly as practicable with the changes in the Consumer Price Index.

Preservation of purchasing power

104. The comparison of minimum wage growth rates with changes in the Consumer Price Index shows a broad symmetry in their movement suggesting a preservation of purchasing power of wage earners to a satisfactory level. Annual growth rates of minimum wage and consumer price indices are as follows:

Table 7. Growth rates of minimum wage and price indices

(Growth % per annum)

Period	Minimum wage index	Price index
1950-59	2.6	0.7
1960-69	2.5	2.2
1970-79	15.6	6.6
1980-93	12.6	11.5

Occupational health and safety

105. The Factories Ordinance provides for minimum conditions of occupational health and safety. These provisions are enforced by factory inspecting engineers.

The following activities are undertaken administratively:

(i) Monitoring of the working environment to identify, evaluate and control occupational hazards such as heat, light, noise, vibration, various chemicals and substances, working processes and postures, work practices, etc.;

(ii) Monitoring of work places for environmental protection;

(iii) Examination of workers for early identification of occupational diseases, through blood and urine analysis, hearing testing, lung capacity measurements, etc.;

(iv) Assessment of fitness for work and disability for purposes of compensation;

(v) Periodical inspections of factories for grading of machinery, introduction of work systems to ensure safety needs and advising regarding risks in the use of machinery.

Besides the above, the following activities are also undertaken:

(i) Medical, scientific and engineering advisory services to control and minimize health hazards rendered to employees and their organizations;

(ii) Providing a library service and an information service on hazards of various occupations, processes and substances and on control measures;

(iii) Providing educational and training programmes on occupational safety and health to employees, employers and their organizations and also to professional bodies;

(iv) Conducting and supporting research activities in occupational safety and health.

Article 8

General

106. Sri Lanka has a strong tradition of trade unionism - a tradition which is inextricably linked with the significant role played by trade unions in the independence movement of Sri Lanka before the Second World War. Indeed, the beginnings of the working class movement in Sri Lanka can be traced as far back as 1919.

107. About this time, movements such as the Ceylon Workers' Welfare League and the Ceylon National Congress adopted resolutions which demanded, inter alia, that the right to association be granted to workers, that minimum wages and hours of work should be fixed and regulated, that child labour be abolished and that good working and living conditions be ensured to workers. Some of the earliest trade unions were formed between 1923 and 1928. The All Ceylon Trade Union Congress was established in 1928. From around 1923 onwards the left-wing socialist parties entered the political arena and espoused the cause of workers' rights.

108. These developments culminated in the enactment of several important labour laws, including the Trade Union Ordinance of 1935 which gave recognition to the rights of the workers to join and form a trade union of their choice. This was followed by a series of labour ordinances, including the Workmen's Compensation Ordinance of 1935, which provided for the payment of compensation to workmen who sustained physical injuries in the course of employment; The Employment of Females in Mines Ordinance, enacted in 1937; The Children and Young Persons Ordinance, enacted in 1939; The Maternity Benefits Ordinance, which made it compulsory for employers to make payments by way of maternity benefits to women workers and prohibited their employment during and after confinement; The Wages Board Ordinance, which provided for the appointment of wages boards for particular trades to fix the minimum wages payable to workers in specified trades; and The Factories Ordinance providing for the safety and welfare of workers employed in factories.

109. Even prior to independence and thereafter under the different Constitutions, the Supreme Court was vested with the power to issue mandates in the nature of writs for the purpose of protecting fundamental rights and freedoms.

110. The first Republican Constitution of Sri Lanka of 1972 incorporated a guarantee of fundamental rights and freedoms which included the following guarantee to enable trade unions to function effectively.

111. "Every citizen has the right to freedom of assembly and of association and to freedom of speech and expression including publication": the second Republican Constitution of 1978, which is in operation at present, apart from re-enacting this provision in article 14 1 (c), furthermore enshrined in article 14 1 (a) the fundamental right of every citizen to form and join a trade union.

112. The latest constitutional changes expected in Sri Lanka in 1996, referred to elsewhere in this report, will further strengthen freedom of association, freedom of expression and other rights when the human rights provisions of the Constitution are reinforced consistent with the provisions of the International Covenants.

113. The President of Sri Lanka promulgated the National Workers' Charter on 2 September 1995. The purpose of the Charter, as stated in its Preamble, is to realize the ideals enshrined in the Philadelphia Declaration and the provisions of the ILO Conventions and Recommendations. The Charter accordingly declares the State policy on workers' basic human rights, employment services, conditions of employment, labour administration, industrial relations, social security, the employment of women, children and young persons, and workers' welfare.

114. The Courts of Sri Lanka have not been hesitant in upholding the constitutional right of freedom of association. In the case of K.A.D.A. Goonaratne vs. Peoples' Bank, a case instituted under the 1972 Constitution, the Supreme Court held that the insistence by an employer that an employee should resign membership of a particular trade union before being eligible for promotion and that he should not hold membership in such a trade union so long as he held a post at a particular grade infringed the fundamental right to freedom of association guaranteed by the Constitution. The Supreme Court made the following observations in regard to the right to membership in a trade union:

> "The right of all employees (except a few prescribed categories to voluntarily form unions is part of the law of this land. It exists both in the Constitution and in statute form. No employer can take away this statutory right by imposing a term to the contrary in a contract of employment. But of course where the State considers a restriction of this right is necessary for good cause, it is enabled to do so by Section 18 (2) of the 1972 Constitution. Such a restriction can be imposed only by law and only for grounds set out in Section 18 (2) and no other.

This right of association is of great value and has varied scope. It embraces associations which are political, social, economic and includes even such entities as clubs and societies. But trade unions enjoy pride of place. They play a significant role as an integral part of the democratic structure of government, and are part of the contemporary political and social landscapes.

When Article 18 (1) (f) of our Constitution speaks of the freedom of association, it means primarily the freedom of forming trade unions. Restraints or limitations on it would be permitted only in the most exceptional circumstances and that could only be done by law in the interests of national security or in the interests of law and order, etc. There may be some employers even today who are against unionisation of labour. They may in all sincerity think that their factories or workplace would be run much better and more effectively without union interference. If the law were to permit it, they would be ever ready, in the name of order and discipline to prohibit unionisation of the workers by imposing such a condition in the letter of appointment. If the courts were to adopt that view of the Court of Appeal, we would be erasing Article 18 (1) (f) of the Constitution and writing off trade unions and the trade union movement in this country which had, after a long and protracted struggle fought with great hardship and suffering succeeded in gaining this right and seeing it enshrined in the Constitution."

International conventions

115. Sri Lanka is a State party to the International Covenant on Civil and Political Rights and the ILO Right to Organise and Collective Bargaining Convention 1949 (No. 98) which seeks to protect workers against acts of anti-union discrimination in respect of employment. ILO Convention No. 87 is to be ratified shortly by Sri Lanka.

Trade Union Ordinance

116. The principal statute dealing with trade union rights in Sri Lanka is the Trade Unions Ordinance No. 14 of 1935 as amended by Ordinance No. 3 of 1946, Act No. 15 of 1948, Act No. 18 of 1958 and Act No. 24 of 1970.

117. Under the Trade Unions Ordinance a "trade union" means any association or combination of workmen or employers, whether temporary or permanent, having among its objects one or more of the following:

(a) The regulation of relations between workmen and employers or between workmen and workmen or between employers and employers; or

(b) The imposing of restrictive conditions on the conduct of any trade or business; or

(c) The representation of either workmen or employers in trade disputes; or

(d) The promotion or organization or financing of strikes or lockouts in any trade or industry or the provision of pay or other benefits for its members during a strike or lockout, and includes any federation of two or more trade unions.

118. Individuals in Sri Lanka are entitled to form and be members of a trade union subject to the restrictions contained in the Act concerning trade unions of public officers.

119. The Ordinance defines the term "workmen" in wide terms as any "person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, oral or in writing and whether it is a contract of service or apprenticeship or a contract personally to execute any work or labour, and includes any person ordinarily employed under such contract, whether such person is or is not in employment at any particular time".

Establishment of trade unions by certain categories of persons

120. The Trade Unions Ordinance provides that every association or combination of public officers having as its object or among its objects one or more of the objects specified in the definition of a "trade union" in section 2 of the Ordinance is a trade union for the purposes of the Ordinance. However, any association or combination of the following persons is deemed not to be a trade union and the Trade Unions Ordinance does not apply to them. These categories are:

(a) Judicial officers;

(b) Members of the armed forces;

(c) Police officers;

(d) Prison officers;

(e) Members of the Agricultural Corps established under the Agricultural Corps Ordinance.

121. Part IV of the Ordinance contains special provisions applicable to trade unions of public officers. It is stated in section 21 that the Registrar shall not register any trade union to which this part applies unless the rules of the union contain the following provisions:

(a) A provision restricting the eligibility for membership of the union or for any office whatsoever, whether paid or honorary, including that of patron, solely to public servants who are employed in any one specified department of the Government or in any one specified service of the Government or, who, having regard to the nature of the work, upon which they are engaged are of any specified class or category of public servants though employed in different departments of the Government, provided, however, that such provision may permit two persons from outside the department or the class or category of public servants as the case may be, to be elected at an annual

general meeting of the union to be members or to hold office, one of such two persons being the president or the secretary of the union and the other being a member of the union;

(b) And, in the case of a union of peace officers or government staff officers, in addition to the provisions referred to:

(i) A provision declaring that the union shall not be affiliated to or amalgamated or federated with any other trade union whether of public servants or otherwise (this restriction will be lifted once ILO Convention No. 87 is ratified);

(ii) A provision declaring that the union shall not have any political object or political fund within the meaning of section 47 of the Ordinance.

The right to form trade unions in the Free Trade Zone

122. At present there are no trade unions in companies within the Free Trade Zone, although there are no legal restrictions against the formation of trade unions there. However, on the instruction of the Board of Investment of Sri Lanka, workers' councils elected through secret ballot by the workers of each enterprise within the Free Trade Zone have been operating since 1984.

The right of trade unions to federate

123. The right of trade unions to federate is recognized by law. Section 34 of the Trade Unions Ordinance provides that any two or more registered trade unions may be amalgamated together as one trade union with or without dissolution or division of the funds of such trade unions or either or any of them. This is subject to the requirement that the votes of at least one half of the members of each or every such trade union entitled to vote are recorded in favour of the proposal. According to the procedure set out in section 35 of the Ordinance, notice of change of name or amalgamation should be given to the Registrar in writing and where the Registrar is satisfied that the provisions of the Ordinance in respect of amalgamation have been complied with and that the trade union formed thereby is entitled to registration, the trade union will be registered and the amalgamation shall have effect from the date of such registration.

124. There are no legal and practical restrictions on the right of trade unions to federate and join international trade union organizations. There are about 1,000 registered trade unions and many of them are in fact affiliated to international trade union organizations.

Right of trade unions to function freely

125. There are a number of provisions in the Trade Unions Ordinance designed to protect the right of trade unions to function freely. Section 26 of the Ordinance provides immunity to a registered trade union from civil action in certain cases. The section provides:

> "No action or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the trade union is a party, if such action or legal proceeding is only on the ground that such act induces some other person to break a contract of employment, or that it is in interference with trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills."

In the terms of section 27, a trade union is not liable for tortious acts. The section provides:

> "An action against a trade union or against any members or officers thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union in contemplation or in furtherance of a trade dispute shall not be entertained by any court."

In the terms of section 29, the objects of a registered trade union in restraint of trade are deemed not to be unlawful:

> "The objects of a registered trade union shall not, by reason of only that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise or to render void or voidable any agreement or trust."

These provisions create a legal environment for trade unions to function freely in the attainment of their objectives.

Constitutional restrictions

126. The Constitution recognizes that the right to freedom of association and the right to form and join a trade union may be restricted in the interests of national security, public order, racial and religious harmony, and national economy (art. 15).

Collective bargaining

127. The Industrial Disputes Act No. 43 of 1950 (as amended) provides for collective bargaining and seeks to encourage parties to enter into collective agreements by ensuring certain legal sanctions in the event of such agreements being violated. A "collective agreement" is defined as an agreement between an employer or employers and any workman or any trade union or trade unions consisting of workmen which relate to the terms and conditions of employment of any workman or to the privileges, rights or duties of any employer or employers, any workman or any trade union or unions consisting of workmen, or to the manner of settlement of any industrial dispute. Where a collective agreement has been entered into, such terms and conditions shall be implied terms in the contract of employment between employers and workmen bound by the agreement.

128. There are several features in the Industrial Disputes Act which have the effect of ensuring the safe application of a collective agreement. For example, it is required that where any workmen in an "industry" are bound by a collective agreement, the employer in the "industry" shall, unless there is a provision to the contrary in the agreement, grant terms which are not less favourable to the other workmen in that "industry".

129. A further feature of the Industrial Disputes Act which promotes collective bargaining is that in the terms of section 10 (6) a party to any collective agreement is entitled to make an application in writing to the Commissioner for the making of an order under the Act which states that the Minister may extend such collective agreement to other employers in the industry, in any district or to all employers in the country.

Right to strike

130. While the fundamental rights of freedom of association and the freedom to form and join a trade union is guaranteed by the Constitution, the right to strike is not expressly enshrined as a fundamental right nor conferred by statute.

131. However, the Trade Union Ordinance recognizes the promotion or organization or financing of strikes or lockouts in any trade or industry or the provision of pay or other benefits for its members during a strike or lockout as one of the objectives of a trade union. Thus, workers in Sri Lanka are granted the right to strike as a matter of legal right. Section 26 of the Ordinance extends legal protection to a recognized trade union or an officer of such union against civil action for inducing a breach of contract of employment. Section 27 provides protection against tortious liability in respect of acts alleged to have been committed by or on behalf of a trade union in contemplation or in furtherance of a trade dispute. Furthermore, section 47 provides for the constitution of a separate fund called the "political fund" from contributions separately levied for or made to that fund from which payments may be made for the promotion of the civil and political interests of its members in furtherance of any of the objectives set out in the section, namely:

(i) The payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election as a Member of Parliament or to any public office, before during, or after the election, in connection with his candidature or election; or

(ii) The holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

132. Thus, workers in Sri Lanka are granted the right to strike as a matter of legal right.

Restrictions

133. A strike is not illegal in Sri Lanka unless it is in violation of the Public Security Ordinance, the Industrial Disputes Act or the Essential Public Services Act.

Public Security Ordinance

134. The President possesses the power, in view of the existence or imminence of a state of public emergency and where he is of the opinion that it is expedient so to do in the interests of public security and the preservation of public order or for the maintenance of supplies and services essential to the life of the community, to bring into operation Part II of the Ordinance.

135. Part II of the Ordinance gives the President the right to make such "emergency regulations" as are necessary or expedient in the interests of public security, etc. An example of the exercise of that right is regulation No. 5 of 1987 whereby the President declared the following as essential services: (a) services provided by the Central Bank; (b) banking institutions; (c) services of the Ministry of Health; (d) services connected with the supply and distribution of fuel and petroleum products; (f) electricity; (g) rail services, etc.

Industrial Disputes Act

136. The Industrial Disputes Act states that no workman shall commence or continue or participate in or do any act in furtherance of any strike in connection with any industrial dispute in any essential industry unless written notice of intention to commence a strike had, at least 21 days before the date of the commencement of the strike, been given in the prescribed manner and form by such workman or on his behalf to his employer.

137. Certain restrictions are placed on the freedom of trade unions to organize meetings and processions. These are general principles of law and are contained in the Penal Code and the Police Ordinance.

Restrictions on categories of works

138. The provisions of the Trade Union Ordinance including those relating to the right to strike do not apply to judicial officers and members of the armed forces. There is no restriction on public servants exercising the right to strike. A special provision applicable to trade unions of public officers is contained in Part IV of the Trade Union Ordinance.

Article 9

139. The following branches of social security exist in Sri Lanka:

Medical care;

Cash sickness benefits;

Maternity benefits;

Old age benefits;

Invalidity benefits;

Survivors' benefits;

Employment injury benefits.

Medical benefits

140. The provision of free health services has been a major welfare policy in Sri Lanka since and even before independence. Medical care is available on a national level to all people in Sri Lanka. The main feature of the existing system is that no specific financial contributions need be made by persons to obtain this service. The services include not only free medical attention in the form of consultations and medicines but also free hospitalization. All these services are only available at government medical institutions manned by government medical personnel.

Cash sickness benefits

141. In Sri Lanka, cash sickness benefit programmes are not organized on the basis of insurance funded by payroll contributions. However, in certain limited situations an employer is under a duty to provide sickness benefits directly to an employee.

(i) The Shop Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954 imposes an obligation to grant seven days paid casual leave in the event of sickness.

(ii) Through the process of collective bargaining, trade unions have negotiated collective agreements for sick leave entitlement for their members. Most of these agreements provide for 21 days sick leave with pay. However, their number is limited only to a few companies in the well organized sector.

142. In addition, some employees operate varying medical schemes for their employees. Examples of these schemes are as follows:

(i) Visits by a doctor to the workplace to give medical attention to employees who require it. In some cases the cost of medicine prescribed is met by the employer. A variation of this scheme is where the doctor does not visit the workplace but the employee is sent by the employer for treatment.

(ii) The payment by the employer of a limited amount each year to employees as a reimbursement of medical expenditure incurred by him and sometimes in respect of expenditure incurred on behalf of the family members as well.

(iii) Though it is still the exception, there is an increasing tendency in recent years for employers to insure their employees, or employees in particular categories, in respect of hospitalization expenses, the premiums being paid by the employer.

Maternity benefits

143. Maternity benefits are available to the following categories of female employees in Sri Lanka:

(i) Government servants;

(ii) Female employees covered by Part I of the Shop and Office Employees Act;

(iii) Female employees covered by the Maternity Benefits Ordinance No. 32 of 1939.

Shop and Office Employees Act

144. The Act applies to "every female person employed in or about the business of a shop or office". A female coming under the above definition is entitled in relation to the birth of her first and second child, to a total of 84 working days paid leave. In relation to the birth of a third or subsequent child, she is entitled to 42 days. In relation to both categories she is entitled to 14 days pre-confinement leave, which, if unutilized owing to the early birth of the child, can be taken after confinement.

The Maternity Benefits Ordinance

145. The provisions of this Ordinance are applicable to all women workers, i.e., any women employed on wages in any trade, whether such contract is expressed or implied, oral or in writing.

146. The following categories of workers are excluded from the ambit of the Ordinance:

(i) Female workers employed in or about the business of a shop or an office;

(ii) A woman whose employment is of a casual nature;

(iii) A woman employed in any industry, business or undertaking which is carried on mainly for the purpose of giving industrial training to juvenile offenders or orphans or to persons who are destitute, dumb, deaf or blind.

147. A female covered by the Ordinance is entitled to a total of 12 weeks paid leave in relation to the birth of the first and second child (including intervening non-working days). In relation to the birth of a third or subsequent child the leave is six weeks. They are also entitled to two weeks pre-confinement leave on the same basis as the other females already referred to. However, only six sevenths of the wages are paid during the period of leave. The Ordinance also requires an employer of a female employee who is nursing a child under one year of age to allow her two nursing intervals within the normal working day at such times as she may require.

Maternity benefits in the government sector

148. Maternity benefits in the government sector are regulated by section 18 of chapter II of the Establishment Code, in accordance with which a female worker who has served a period not less than nine months is entitled to 12 weeks leave with full pay for the first and second live births. For any births beyond the second, if she has served the minimum period of nine months, six weeks leave with full pay is granted. If the female officer has not served a minimum of nine months she will be granted 12 weeks of leave for the

first and second live births out of which leave with full pay is granted proportional to the length of her service. The rest of the leave is without pay.

Old age, invalidity and survivor's benefits

General

149. There are approximately 320,000 government pensioners including pensioners' widows who receive their monthly pensions through more than 1,000 banks and post offices island-wide. Pensioners resident abroad are afforded the facility of drawing their pensions in their country of residence without restriction through the Crown Agents in the United Kingdom or through Sri Lanka missions abroad. Most Sri Lankan pensioners reside in the United Kingdom, India, Australia, Canada and the United States of America. Alternatively they can have their pensions remitted to their bank accounts in Sri Lanka in the normal manner, but they are expected to send a monthly "life" certificate to their bank. All pensioners are paid a special allowance of Rs. 600 per month and a substantial number are also paid a cost of living allowance of Rs. 260. Pensioners are also entitled to two sets of free holiday railway warrants per year. Since October 1992, the award and the monthly payment of civil and widows and orphans' pensions, as well as armed services pensions, have been decentralized to the offices of the divisional secretaries in the provincial administration for the benefit of the pensioners. This scheme was fairly successful in its operation. However, with the intention of further cutting down time lag between the day of retirement and the receipt of the pension, a new scheme, effective from 1 October 1995, has been introduced whereby the issue of the pension award letter has been entrusted to the department in which the officer last served. The Department of Pensions has devised a scheme to make available the commuted pension cheque on the day of retirement itself. In addition a comprehensive scheme of training of all personnel engaged in pension work in all the government departments and institutions has been launched with the assistance of Asian development Bank funding. This programme has been in operation for seven months and approximately 2,600 officers have been given training in all aspects of pension award work. At the time of writing, about 875 institutions have sent their officers for this training, which will continue.

150. There are a number of superannuation schemes for persons employed in the government sector.

The civil pensions scheme

151. The pensions scheme is revised from time to time. At present, provisions in regard to civil pensions are basically those, established by Public Administration Circular No. 44 of 1990. Under these provisions, periods of government service can be divided into two categories: service in excess of 30 years and service of between 20 and 30 years. An officer qualifies for pension benefits if he or she:

(a) Holds a permanent and pensionable post in the public service;

(b) Has put in a reckonable period of service which is not less than 10 years.

Periods of leave without pay are deductible from the above service periods. There is no minimum age for retirement but the age for optional retirement remains 55 years. Retirement is compulsory upon reaching the age of 60 years.

152. An officer retiring after completion of 30 years of service is entitled to draw a pension calculated at 90 per cent of his last drawn salary and to a commuted pension, is eligible for a monthly pension of 80 per cent of his last drawn salary and to a commuted pension of 24 times his monthly pension. Thus a deduction of 10 per cent will be recovered from him for a period of 10 years from the date of retirement, after which he will receive his pension of 90 per cent.

153. Under normal circumstances, an officer cannot retire until he reaches 55 years of age, the optional age of retirement. But on special grounds, such as abolition of post, disciplinary grounds, medical reasons etc., a public officer can retire on any day and is entitled to a pension if he has completed 10 years of service. Government employees in special categories such as lady teachers, nurses, midwives, etc., can retire after completion of 20 years of service and can draw a pension from the day they reach 50 years of age.

154. Government employees who opt to retire under Public Administration Circular 44/90 can do so after completion of 10 years of service and can draw their pension on the day they complete 20 years from the first date of appointment or on the day they reach 55 years of age, whichever is earlier.

The widows and orphans pension scheme

155. Under the widows and orphans pension scheme, a male public servant has to contribute compulsorily to the scheme at the point of entry into the public service. Thereafter he will contribute up to the date of retirement. The contribution ranges from 3 per cent to 6 per cent depending upon the salary. A public servant retiring as an unmarried person will be entitled to a refund of contributions together with 2½ per cent compound interest thereon. Children up to the age of 21 years are entitled to an orphan's pension on the demise of the widow. Adopted children are also entitled, provided they were adopted while contributions to the fund were being made.

156. Since the amendment to the Widows and Orphans Pension Act in 1981, a widow of a government servant has been made eligible to draw the same amount of pension as her husband was drawing or was entitled to draw, at the date of his demise. The widows pension scheme was extended to widowers of public servants by Act No. 24 of 1983. Female public servants who were in service before that date have been given the option to join the scheme whereas those who joined the public service after 1981 have to contribute to the scheme, compulsorily. Contribution by male public servants has always been compulsory.

157. The Widows and Orphans Pension Amendment Act, No. 44 of 1981 also brought in the following new provisions:

(a) A child who has been certified by a medical board to be a disabled person who was unable to engage in gainful employment was made entitled to

widows and orphans pension on the death of the widow. In the case of females, only those who are disabled and also unmarried are entitled to this benefit. There is no age restriction applicable.

(b) Adopted children are also entitled to benefits as orphans provided the legal adoption was effected whilst the officer was contributing to the Widows and Orphans Pension Fund.

(c) Widows and orphans pensions contributions cease at the time of retirement. Formerly, contributions had to be made for a period of 35 years, even extending beyond the date of retirement.

(d) Widows of those appointed to the public service after 2 July 1981 are not entitled to benefits if their husbands resigned or were dismissed from the public service without a pension. Persons who joined earlier are not affected.

158. The Widows and Orphans Pension Fund is managed by a secretary/accountant under the Director of Pensions. Apart from the two main categories of pension payments (i.e., the civil, and the widows and orphans pension), the Director of Pensions also administers the following schemes under the statutes indicated above.

Death gratuity

159. Death gratuities are paid to the dependants of public servants who die whilst in service with a minimum service period of five years. The amount is equal to two years' salary and is paid to the officer's dependants. other payments include service gratuities to those who did not qualify for a monthly pension for want of 10 years' service, daily paid service gratuities to daily paid workers, injury allowances to those who sustain injuries in the performance of their normal duties. Police compensation to police officers, charitable allowances in deserving cases where no other grants are due, etc.

Local government pension scheme and the widows pension scheme

160. The local government pension scheme which had been administered by the Local Government Department was brought under the authority of the Director of Pensions in January 1990. Its terms are identical to those of the civil pensions scheme. This scheme covers members of the local government service serving in municipalities, town councils, Pradeshiya Sabas, etc., and their pensions were paid out of the Local Government Service Pension Fund. The same applies to the widows and orphans pension scheme, the terms of which are very similar to those of the civil widows and orphans pension scheme. The membership is in the region of 20,000 persons.

161. With the amalgamation of the Local Government Service with the Public Service, a change was brought about by the Provincial Council Act No. 17 of 1993 whereby Local Government pensions were brought under the operation of the Public Service Pension Minute. Only those who had retired before that date will continue under the previous scheme.

Teachers, widows and orphans pension scheme

162. Up to 2 July 1981, widows and orphans pensions were awarded to all teachers in government and private schools and to male teachers of Pirivenas from monies under the Teachers', Widows and Orphans Pension Fund regulations of 1954. Since that date all teachers in government service were absorbed into the civil widows and orphans pension scheme with retrospective effect from 1 April 1970, in terms of the Widows and Orphans Pension Amendment Act No. 44 of 1981. The unit is managed by a board of management and it is administered by a secretary/accountant under the Director of Pensions.

The armed service pension scheme and widows and orphans pension scheme

163. The Army, Navy and Air Force Pensions and Gratuities Codes of 1962 and 1981 govern the payment of pensions to members of the three armed forces. Under the provisions of the above Codes, armed service personnel with the rank of officer are required to put in a period of service of 20 years and those in other ranks, 22 years, to be eligible for a monthly pension. The age of retirement is 55 years. Armed service personnel are also entitled to receive a commuted pension equivalent to 30 months' pension and if so will be paid a reduced pension for the next 10 years. In the event of disablement due to military service they are entitled to a disability pension on the scale set out in the Codes, and if the service period is in excess of 10 years, they are entitled to a service pension as well. Personnel who have completed five years of service are also entitled to a death gratuity payable to their dependants. If the service period is more than 12 years the full commuted pension amount is paid as the death gratuity. Otherwise only one year's salary is paid. The Armed service Pension Unit is administered by an Assistant Director of Pensions.

164. A widows and orphans pension scheme under the Widows and Orphans Pension (Armed Service) Act No. 18 of 1970 operative with effect from 1 October 1968 is administered by the Department and is handled by the Civil Widows and Orphans Unit. The terms are substantially similar to the civil widows pension scheme.

The farmer's pension and social security benefits scheme

165. The farmer's pension and social security benefits scheme was introduced in 1987 in recognition of the farmer's contribution to the economy. Until then, agricultural workers, the majority of them paddy farmers, had no tangible measure by way of old age social protection. The Scheme grants a pension for life, financial assistance in the case of disablement, and gratuities to the dependents in the event of the untimely death of the farmer.

The nature and objectives of the scheme

166. The scheme is voluntary and contributory. What the recipient gets is not a dole straight from the State, but a gratuity to which he too has contributed. However the State contributed substantially both in creating the initial capital and providing recurrent expenditure required to build up the resource base of the scheme.

167. The scheme is not open to all farmers. In view of the magnitude of the financial responsibility the State is called upon to shoulder, certain restrictions in terms of age, land ownership and types of crops grown have been imposed.

As it operates now, the scheme is open to farmers:

Who are not less than 18 years of age and not more than 50 years of age on the date of enrolment;

Who grow any of the following crops as an owner cultivator, tenant cultivator or lease cultivator:

Paddy and cereals;

Other field crops and vegetables;

Roots and tuber crops;

Fruits;

Betel;

Sugar cane.

168. Farmers who own and/or cultivate more than 10 acres, inclusive of highland and paddy lands, and those who are pensioners or recipients of benefits from the Employment Provident Fund and those who are income tax payers are not eligible under this scheme.

169. The eligibility criteria have been determined broadly with a view to limiting enrolment to easily identifiable categories of the domestic farming sector, excluding farmers who already enjoy the benefits of another social security or pension scheme and the more affluent farmers.

Contribution

170. The scheme is contributory and a member is required to pay a fixed half yearly contribution until he reaches the age of 60 years or suffers some disablement. The contribution varies depending on age at the time of enrolment.

Benefits

171. A farmer who joins the scheme and maintains the policy is entitled to the following benefits.

(i) A pension for life: a farmer who has fulfilled his commitments after the payment of his contribution in full is entitled to receive a periodical pension for life from the age of 60. The amount payable as pension is conditioned by the age of the

contributor, the period of contribution and the total amount he has paid as contributions. The pension is payable up to the end of the month in which the member dies.

(ii) Disablement benefits: under the group insurance arrangements, farmers who join the scheme are entitled to receive: a lump sum gratuity of a periodical allowance for life immediately on permanent/total disablement; a lump sum gratuity or a pension from the age of 60 without further contributions if the member suffers permanent/partial disablement before reaching 60.

(iii) Death gratuity: in the event of the death of a member before reaching the age of 60, a lump sum gratuity is payable to the legal heirs.

Fisheries pension scheme

172. A similar scheme is in operation for fishermen.

Employment Provident Fund

173. The Employment Provident Fund (EPF) provides superannuation benefits through the machinery of a contributory scheme to both employees and employers in all forms of employment with one or more employee except those listed below:

Self-employed;

Employment in government and local government service;

Employment in domestic service;

Employment in any charitable organization or any institution maintained solely for the purpose of religious worship or social service;

Employment in any undertaking which is carried on mostly for the purpose of giving industrial training to juvenile offenders, orphans or to persons who are destitute, dumb, deaf or blind.

174. The EPF is built up from bipartite contributions made by employer and employee. At present the employee makes a contribution of 8 per cent of total earnings and the employer 12 per cent. However, there is no objection to any employer or employee contributing a higher percentage than the minimum stipulated. The employer is responsible for deducting his employee's share from the total earnings and remitting it to the fund, together with his own share, during the following month. Late payments are surchargeable to the individual accounts of members and interest is added at the end of each year. The fund earns interest out of investment in securities. The benefits are payable to members in a lump sum comprised of joint contributions and cumulative interest in the following circumstances:

On ceasing employment after the age of 55 for men and 50 for women;

On becoming totally and permanently incapacitated for work;

On death;

On ceasing employment, for women, consequent to marriage;

On leaving the country permanently;

On taking up a permanent pensionable post in the government service, local government service commission, district service or local authority service.

Employment Trust Fund

175. The Employment Trust Fund (ETF) was introduced in March 1981, and ensures enhanced retirement benefits to the working class. Its provisions with regard to coverage of employers is similar to those of the EPF. However, unlike in the case of EPF, it is a non-contributory benefit to employees. The Act provides for the contribution by the employer of a sum equivalent to 3 per cent of the monthly total earnings of the employee. Any contribution more than the legal minimum paid to EPF is deductible and paid to the ETF.

176. ETF provisions are also available for the self-employed, who may become a member of the Fund by sending a notice to the ETF Board indicating his desire to become a member.

177. The money is deposited in the individual accounts of members and interest is added annually. The Board is empowered to invest money in industrial and commercial undertakings, establish and operate commercial and industrial enterprises and develop immovable property.

178. The benefits are refundable in the following circumstances:

On termination of employment, with the proviso that a member is not entitled to withdraw any sum standing to his credit more than once in a period of five years, except where the employment is terminated on disablement due to an accident or disease.

On the death of an employee, the benefits will be payable to the nominee, the next of kin or the administrator of the estate.

Employment injury benefits

179. The Workmen's Compensation Ordinance provides for the payment of compensation to workmen who suffer personal injury as the result of accidents arising out of and in the course of employment and for occupational diseases. The rates of compensation are decided according to the extent of injury sustained and the monthly wage of the workmen. Where death results from the injury, compensation is payable to the dependants. However, the applicability of the Ordinance is limited to persons employed on wages not exceeding Rs. 500 a month and employed in an occupation specified in the Ordinance. Furthermore, it is not applicable to:

A person whose employment is of a casual nature and who is employed otherwise than for the purpose of his employer's trade or business;

A person in the capacity of member of the State's naval, military or air force;

A member of the police force in Sri Lanka.

Family benefits

180. In the 1960s a food subsidy was provided for the entire population. In 1972 taxpayers and dependants were excluded from entitlement to this subsidy. In 1978 an income criterion further limited the subsidy to approximately 50 per cent of the population. In 1979 the scheme was further modified by a switch to a system of food stamps (denominated in monetary terms) and by bringing certain food prices more into line with world prices. Under the food stamp scheme only households whose declared income was less than a specified level were to receive food stamps, which they could use to buy basic food made available at authorized shops at non-subsidized prices.

181. In keeping with Sri Lanka's long-standing policy of "people-centred development", successive Governments initiated various programmes of poverty alleviation. These were targeted at households enrolled in the food stamp scheme, whose benefits had diminished in real terms over the years owing to inflation. Under these programmes each household received a monthly grant. The aim was not only to ensure the survival needs of the people concerned but also to harness their productive skills so that they could embark on self-supporting income-generation activities and make a productive contribution to society and the economy.

Samurdhi

182. The World Social Summit of 1995 recognized the need to launch a global prosperity movement. In August 1995, Sri Lanka launched the Samurdhi (Prosperity) Movement, which is to help 1.2 million families to rise above the poverty line. About 100,000 of the families will be paid Rs. 1,000 a month. They form the poorest section of the population with a monthly income below Rs. 500. The remaining 1.1 million families, whose monthly income is between Rs. 500 and Rs. 1,000, will be paid a monthly allowance of Rs. 500.

183. This income support scheme will be strengthened by self-employment, cooperative and community projects intended to increase productivity and create employment. (See paras. 21-23 above for further details.)

Table 8. Government expenditure on social services
(in millions of rupees)

Social services a/

Year	Total expenditure	As % of GDP	As % of total government expenditure a/
1980	235	0.4	1.0
1985	491	0.3	0.9
1990	2 210	0.7	1.9
1993	1 596	0.3	0.9

Food subsidy b/

Year	Total expenditure	As % of GDP	As % of total government expenditure
1980	2 073	3.1	7.3
1985	1 728	1.1	3.0
1990	6 322	2.0	5.5
1993	5 374	1.1	3.1

a/ Includes expenditure on social welfare, youth affairs, sports, religious and cultural activities.

b/ Includes Janasaviya from 1989.

Those who enjoy social security to a lesser degree than the majority of the population

184. It has been recognized that workers in the informal sector in the rural and urban areas enjoy social security protection to a significantly lesser degree than those in the organized sectors. A major step towards providing social security to that sector was taken with the introduction of the farmers' and fishermen's pension schemes.

185. The Government is considering a proposal to implement a social security scheme covering persons in the field of masonry, carpentry, electric equipment repairing, animal husbandry and weaving, etc., who do not come under existing pensions/provident fund/insurance schemes.

Informal/private social security schemes

186. A number of informal social security schemes in the form of insurance schemes are available, in addition to the statutory schemes.

Article 10

187. Sri Lanka recently submitted reports under the Convention on the Rights of the Child (CRC/C/8/Add.13) and the Convention on the Elimination of All Forms of Discrimination against Women (C/13/Add.18).

The family

188. In Sri Lankan society, the term "family" is used for the basic unit that consists of a man, his wife by matrimonial contract and children who may either be born to the couple or adopted. Article 12 of the Constitution of Sri Lanka states that the State shall recognize and protect the family as the basic unit of society.

Age of majority for different purposes

189. See Sri Lanka's report under the Convention on the Rights of the Child (CRC/C/8/Add.13).

190. It is to be noted that amendments to the Marriage Registration Ordinance of 1907 and the Kandyan Marriage and Divorce Act of 1952 have raised the minimum age of marriage, for both males and females, governed by their provisions to 18 years of age. These two Acts cover all males and females, except Muslims.

Right of men and women to enter into marriage

191. The right of all men and women over 18 years of age to enter into marriage with their full and free consent is guaranteed by statute. Social barriers like caste, religion and even dowry existed in the past, but are now fading away as a result of urbanization, social development and education. Arranged marriages still exist when free consent is inoperative. The strict social and religious barriers that exist in some parts of Asia, especially India, are not relevant to Sri Lanka.

192. On registration of marriage the husband and wife come to an agreement legally to bring up, maintain, protect and strengthen a family. The social, religious and cultural bonds are reaffirmed at marriage ceremonies and thus the background is set for a united, caring and successful family. Separation and divorce is looked down upon by society. Every family, irrespective of earning capacity, believes in and respects family life by looking after their children, educating them, helping them to establish families and even to maintain families.

Maternity benefits

193. See under article 9, above. See also Sri Lanka's second report submitted under the Convention on the Elimination of All Forms of Discrimination against Women (C/13/Add.18).

Age limits below which paid employment of children is prohibited

194. See Sri Lanka's report under the Convention on the Rights of the Child (CRC/C/8/Add.13).

195. A wide campaign, funded by UNICEF, has been launched by the Department of Probation and Child Care Service, through the mass media, to collect information with regard to children who are employed. The public has responded well and the Department of Probation and Child Care Services received nearly 2,000 complaints in 1993 and 1994 about employed children who have been rescued after taking legal action.

196. The legislation on child labour is being amended. The Cabinet has approved the proposals and the new legislation has been drafted. It will be forwarded to the Parliament very shortly. A copy of the draft is annexed. 1/

197. In Sri Lanka the majority of child workers are employed in domestic service. As the employers invariably hide the facts regarding child servants, it is extremely difficult to collect accurate figures. It is relevant to note that all the 2,000 complaints referred to in paragraph 195 above concerned children in domestic service. It is roughly estimated that there may be around 107,500 child workers in Sri Lanka. No cases are reported of industrial establishments employing children. A small number of children are employed in hotels, private buses and markets; the majority are employed as domestic servants. The age group is mostly 10 to 14 years. Some children in rural farming areas help their parents in agricultural activities during their leisure time. This does not amount to child labour as there is no exploitation and as they are not deprived of their rights, mainly the right to education. Children who help their families in household activities during their leisure time also do not belong in the category of child workers.

Orphans

198. Orphaned children in Sri Lanka are nurtured by their extended families, who provide adequate care and protection. There are 2,500 children orphaned owing to armed conflicts. Only a small number of them are institutionalized; the majority live with their extended families. Out of the total number of children who are orphaned owing to natural causes and armed conflicts, there are only 7 children in State receiving homes and 1,234 in camps and voluntary institutions.

1/ Available for consultation in the secretariat.

Abandoned children

199. At present there are 27 boys and girls in State receiving homes who have been abandoned by their unwed mothers. In Sri Lanka, married parents do not abandon their new babies owing to the social stigma attached to unwed motherhood. Suitable alternative families are found to adopt these children. Only children with disabilities remain in the institutions.

Disabled children

200. It is roughly estimated that about 4 per cent of Sri Lankan children suffer from some physical or mental disability. There are 52 centres for such children run by the State and non-governmental organizations (NGOs). Since the services they provide are inadequate, the State has launched an expanded community-based rehabilitation programme for both disabled children and adults.

Street children

201. The problem of street children is a matter of concern to the Government. The Government Home for Street Children accommodates a little over 100 children. There are also day care centres run by the Government and NGOs. The children who are the beneficiaries of the programmes are informed of their respective rights by the care givers. The present programmes for street children are not adequate. Action is being taken to expand the programmes.

Article 11

Nutrition

202. Sri Lanka, in comparison with other developing countries in the South Asia region, has achieved considerable success in social status indicators, as is reflected in its low infant mortality rate, low maternal mortality rate, high life expectancy at birth and high literacy rate. But, paradoxically, the nutritional status of, particularly, infants and pre-school children has not shown a commensurate improvement. Many factors contribute to undernutrition. They include: food availability and affordability, food consumption behaviour, cultural patterns, socio-economic factors and the prevalence of infectious diseases.

Current situation

Protein energy malnutrition (PEM)

203. There is evidence of low caloric intake for mothers during pregnancy and lactation, with low birth weight rates and early stunting in children under 2 years of age.

204. Significant differences exist between geographic areas and socio-economic groups. A higher proportion of children in the estate sector are affected, whilst children in the rural sector are relatively less affected. The nutritional status of urban children has been found to be better than that of children in both the rural and estate sectors.

Table 9. Prevalence of undernutrition by district. Nutritional Status Survey (1988/1989)

District	Population '000	Sample size	Stunting	Wasting	Concurrent
Colombo	1 698	292	28.4	15.9	5.5
Gampaha	1 389	324	19.4	12.3	2.2
Kalutara	827	327	33.3	14.6	4.6
Kandy	1 126	448	51.6	14.3	6.0
Matale	375	341	40.9	26.3	12.0
Nuwara Eliya	522	348	41.8	16.1	6.0
Galle	814	393	31.8	19.5	6.9
Matara	644	363	22.9	21.5	6.1
Kurunegala	1 212	293	26.7	17.5	3.4
Puttalam	493	315	32.1	16.2	4.1
Anuradhapura	587	453	29.6	22.3	6.8
Polonnaruwa	262	383	30.4	21.2	7.0
Badulla	642	1 060	46.3	14.7	5.2
Moneragala	296	314	42.0	29.4	11.1
Ratnapura	796	268	35.6	18.9	6.0
Kegalla	682	223	37.4	18.8	5.4
Sri Lanka	12 754	6 172	36.4	18.4	5.2

Source: Ministry of Policy Planning and Implementation

205. The table shows that the prevalence of stunting in 1988/1989 was highest in the Kandy, Badulla and Moneragala districts, whilst the prevalence of wasting was highest in the Moneragala and Matala districts - all districts in the Central and Uva Provinces. Preliminary findings in the Demographic and Health Survey of 1993, conducted by the Department of Census and Statistics in collaboration with the Ministry of Health and Women's Affairs, show prevalence rates of 23.7 per cent, 16.6 per cent and 37.67 per cent respectively for stunting, wasting and underweight (deficit in weight for age).

Table 10. Nutritional status of children, Demographic and Health Survey 1993

Age (mths)	Stunting (%)	Wasting (%)	Underweight (%)
3 - 5	4.9	3.1	5.8
6 - 11	11.8	6.8	17.9
12 - 23	25.79	18.2	36.3

206. The findings of the 1993 survey indicate a reduction in the prevalence of stunting and underweight but no significant change in the prevalence of wasting. They also confirm the findings of previous surveys concerning the variations in the prevalence of undernutrition in the urban, rural and estate sectors.

Table 11. Nutritional status of children by sector

Sector	Stunting (%)	Wasting (%)	Underweight (%)
Colombo Metro.	18.9	12.2	30.5
Other urban	16.3	17.1	29.6
Rural	22.8	16.4	38.3
Estate	54.4	9.6	53.1

207. The prevalence of stunting in the estate sector is twice that in rural areas and about three times higher than in the urban areas. Estate children, however, show the lowest prevalence of wasting. This may be due to the fact that estate children show the highest prevalence of stunting, many of them showing a normal relationship between weight and height when age is eliminated. Special supplementary feeding programmes conducted on estates may also be a contributory factor.

208. There is a need to concentrate efforts on better complementary feeding practices. There are many examples in the country of food interventions directed at the less vulnerable age groups. This needs attention and change if stunting is to be prevented at an early age. Nutrition education is not adequately addressing the practical problems of complementary feeding and does not highlight the right messages related to inadequate nutrient intake. The teaching methodologies need review and improvement. Promotion of breastfeeding needs follow-up.

209. Although the main nutrition deficiency disorder in Sri Lanka is protein malnutrition, studies have shown that there are three important micronutrient deficiency disorders: nutritional anaemia due to iron deficiency, iodine deficiency disorders, and vitamin A deficiency.

210. Available data from a survey (Silva and Athukorala, 1991) in a selected area indicate the need for assessment of vitamin A deficiency status on a national scale. The Medical Research Institute is at present conducting a national study to define the prevalence of vitamin A deficiency in the country. Data are expected to be available in 1996.

211. An important area which has not received adequate attention is the problem of diseases related to overnutrition, which tend to increase in prevalence with a change in lifestyle resulting mostly from rapid urbanization. These are the complications of obesity, such as ischaemic heart disease, diabetes mellitus, hypertension and gall bladder disease.

Nutrition intervention programmes

212. To improve the food security of vulnerable households, successive Governments have initiated a number of direct intervention programmes. These are briefly outlined below.

Food stamp scheme and the poverty alleviation programme

213. In 1942 Sri Lanka adopted a food ration and subsidy scheme through which sufficient quantities of food were distributed at subsidized rates among the entire population. This food ration and subsidy scheme provided a significant measure of food security but was a heavy burden on the national economy. Hence, in 1972, income criteria were introduced to determine eligibility for participation in the subsidy scheme in order to target the food subsidy to the most needy section of the population. In 1979, a modification of the food subsidy scheme was effected by a direct income transfer in the form of food stamps, which were made available to purchase a choice of basic commodities such as rice, flour, sugar, milk powder and kerosine. The food subsidies cover an important part of the calorie intake of the lowest income groups. This scheme was replaced under the Janasaviya Programme, which was being introduced on a phased basis, providing low-income groups with financial and material support to attain self-sufficiency through investment in income-generating activities.

214. Since August 1995 a prosperity programme (Samurdhi) aimed at improving the living standards of the poor has been in operation. (See introduction for details.)

Thriposha programme

215. The Thriposha programme, a supplementary feeding programme of the Ministry of Health, was established with the support of CARE/USAID with the objective of providing a nutritional supplement to the most nutritionally vulnerable segments of the population, namely, infants (6-12 months), pre-school children, pregnant mothers and lactating mothers. This is pre-cooked food fortified with vitamins and minerals. Two 750-gram packets of Thriposha are distributed to selected undernourished beneficiaries. Each beneficiary is expected to consume daily 50 grams of the food, which provides 184 calories and 10.36 grams of protein. An estimated 580,000 people benefit from this programme. The distribution of Thriposha is done mainly through the maternal and child health clinics of the Department of Health Services, the plantation sector and a few non-governmental organizations.

Other interventions

216. Other nutrition-related interventions implemented through the primary health-care network include: growth monitoring and promotion, nutrition surveillance, nutrition education, micro-nutrient supplementation, treatment and rehabilitation of the severely malnourished and the control of infections. The provision of a school mid-day meal to all students has been in operation for many years and is aimed at improving the nutritional status of schoolchildren. Despite these interventions, no significant improvement has been observed in the nutritional status of the population over the years. However, these measures appeal ro have contributed to a reduction of t' ost severe forms of malnutrition.

Priority problems

217. The following are priority problems that require further attention:

(a) The overall poor health and nutritional status of pregnant women resulting in a high incidence of low birth weight;

(b) Unsatisfactory breastfeeding practices, particularly the low prevalence of exclusive breastfeeding during the first four to six months;

(c) Lack of sufficient food, low feeding frequency, low energy density of the diet and the late introduction of complementary feeding during infancy with semi-solid and solid foods;

(d) The problem of micro-nutrient deficiency disorders;

(e) Inadequate infrastructure development in agriculture and other related sectors to meet the demand for increased food production;

(f) Lack of intersectoral collaboration in addressing the problem of under-nutrition;

(g) Control over nutrition.

Committees on nutrition

218. Realizing the need for concerted action, the National Health Council, under the chairmanship of the Prime Minister, appointed the National Steering Committee on Nutrition in September 1993 to advise on, coordinate and assist in the implementation of a national nutrition programme. The membership of the National Steering Committee includes senior officials from the Ministries of Health, Education, Policy Planning and Implementation, Agricultural Development and Research, the social services, the provincial councils and the Poverty Alleviation Trust Fund.

219. Concurrently, divisional nutrition and health committees were set up under the chairmanship of divisional secretaries, with representation from government departments and non-governmental agencies with an interest in nutrition, as well as representation from the community, to coordinate the nutrition-related activities now being carried out by a number of governmental and non-governmental agencies at divisional level.

220. These committees, which have been established in all divisional secretaries' areas, are expected to play a key role in planning and implementing nutrition programmes relevant to their respective areas, utilizing as far as possible locally available resources. The membership of these committees includes divisional officers from the departments of health, education, and agriculture, officers from voluntary organizations and village leaders.

221. A sound infrastructure has thus been established for the implementation of nutrition and health programmes at the most peripheral level.

Policy measures

222. The following policy measures are being introduced:

(i) Programmes such as Samurdhi, Janasaviya, Suvasaviya, the food stamp scheme, the public assistance scheme and other welfare schemes will be targeted to the needy (very poor, handicapped, etc.). Their utilization and beneficial effects will be regularly evaluated and adjusted.

(ii) NGOs and communities will be motivated to set up community low-cost wholesome meal centres using locally available foods and distribute nutritional supplements.

(iii) Health and nutritional education on healthy eating habits, low-cost wholesome food, myths and food fads, maintaining good personal hygiene, use of toilets, consumption of iodized salt, etc., will be promoted.

(iv) Development of school gardens and home gardens will be promoted for cultivation and intake of green leafy vegetables, vitamin C rich foods (e.g. guava, citrus fruit) and vitamin A rich foods (yellow/red fruits like papaw, yams, legumes, etc.).

(v) Consumption of a small amount of fish or meat, in addition to vegetable protein, will be encouraged. The restriction in the use of coconut as a source of fat should be applied to all persons at risk from atherogenic disease. The present average intake of coconut, which provides a useful source of calories in the lower income groups need not be restricted.

(vi) Anthelminthic therapy will be given to preschool and schoolchildren and pregnant mothers living in unhygienic conditions.

(vii) Iodine intake will be increased by making iodized salt easily available, at least in areas where iodine deficiency is endemic.

(viii) Regular surveillance of ocular manifestations of vitamin A deficiency in vulnerable groups (children, pregnant and lactating mothers), especially in the estate sector and urban slums, will be ensured.

(ix) Maternal nutritional status will be addressed to reduce the incidence of low birth weight and neonatal mortality rates. There will be monitoring of maternal nutrition and weight gain in pregnancy. Iron supplements for at least 17 weeks during pregnancy and 6 weeks during the post-partum period will be provided to all pregnant and post-partum mothers.

(x) Correct weaning practices will be promoted by educating the mothers. Further, recipes for weaning foods using commonly available foods will be popularized through the media.

(xi) Growth monitoring of preschool children and corrective action at the earliest opportunity will be augmented. The Divisional Secretariat, using its intersectoral facility, will regularly monitor the nutritional status. The accomplishments in this area will be an important element in the performance assessment of divisional development strategy.

(xii) The Sri Lankan code of marketing of breast milk substitutes will be enforced and monitored. Breastfeeding will be promoted.

(xiii) Mid-day meal (nutritious breakfast meal) will be served earlier and targeted to needy schools, identified in prior surveys. The teachers in rural schools will be encouraged to arrange preparation of this meal in school with parent participation.

(xiv) The advertisement of foods will be monitored to ensure correct ethical practices. For this purpose, a code of ethics will be formulated.

(xv) The nutritional needs of the elderly in poor communities will be monitored. Further, health and nutritional workers in institutions looking after the elderly, the mentally and physically handicapped, orphans and chronically ill patients, and in industries with large numbers of workers will be trained to promote and monitor nutritional status.

(xvi) Research in relevant problems related to nutrition will be encouraged.

Objectives

223. The National Steering Committee has set objectives and formulated strategies for the implementation of a national nutrition programme. The main objectives of the programme are:

(a) To reduce protein malnutrition among infants and preschool children by 25 per cent by the end of 1995;

(b) To ensure that all infants are exclusively breastfed for four months and breastfeeding is continued thereafter up to two years with appropriate supplementation;

(c) To promote actively the prevention and control of micronutrient deficiencies: iron deficiency anaemia with specific emphasis during pregnancy; vitamin A deficiency; and iodine deficiency;

(d) To control over-nutrition and obesity and their complications.

Strategies and activities

224. To achieve these objectives, the National Steering Committee has recommended the adoption of five strategies for the formulation of the national programme to be planned and implemented through the divisional nutrition and health committees. These are:

(i) Advocacy and social mobilization for nutrition to mobilize political commitment and the participation and involvement of all groups of people;

(ii) Strengthening the linkages between the nutrition-related services implemented by all sectors functioning at the divisional level through the nutrition and health committees, so that the focus will be on the family in relation to its immediate community environment;

(iii) Improving the availability of and accessibility to nutrition-related services, particularly for families with infants, preschool children, adolescents, pregnant mothers and the elderly, with special emphasis on those in the disadvantaged and backward areas;

(iv) Improving the nutritional knowledge of other groups to prevent obesity and its complications;

(v) Improving nutrition education at the community and home level.

Household food security

225. In 1995, the Government launched a new poverty alleviation and income-generating programme known as the Samurdhi programme. This programme supersedes the existing poverty alleviation schemes in the country such as the Janasaviya programme and the food stamp and the mid-day meal schemes. The Samurdhi programme has to date reached 955,533 families out of the target of 1.2 million families.

226. The data shows an improvement in the poverty situation from 1985/86 to 1990/91 (World Bank, Poverty Assessment Report 1994). This is further supported by the increasing trend in the per capita intake of calories, proteins and fats, shown in table 11. However, the increasing trend is reported in urban areas and the gap between rich and poor has widened. Poverty in Sri Lanka is predominately a rural phenomenon. In urban areas poverty affects badly the slum areas.

227. In terms of trends, the production of cereals and pulses has declined in the past few years. There has been a stagnation in the yields of rice, together with a decrease in fertilizer use. Conversely, the consumption of

wheat shows an increasing trend and receives a non-targeted subsidy equal for rich and poor. Production of vegetables has fallen to worrisome levels, from 1,048 MT in 1988 to 588 MT in 1994, which has led to increases in their prices and non-accessibility for low income groups. A fair proportion of the people do not have access to adequate quantities of food, mainly because of disparities in income.

Table 12. Per capita intake of calories, proteins and fats

Cals/day				Proteins (g/day)			Fats (g/day)		
Year	Total	Veg.	Anim.	Total	Veg.	Anim.	Total	Veg.	Anim.
1991	2 338	2 203	138	58	44	14	49	43	6
1992	2 282	2 146	137	56	41	15	51	44	7
1993	2 305	2 158	147	58	41	17	52	45	7
1194	2 491	2 346	145	61	46	16	57	50	7

Source: Food Balance Sheet, 1991-1994, Department of Census and Statistics, Ministry of Policy Planning and Implementation.

228. It seems that the prices of essential food items have gone up faster than the purchasing power of families. Many rural households are fragile in that they cannot cope with seasonal fluctuations of food availability and of food prices. Households with a high expenditure ratio are especially vulnerable.

229. As regards animal products, though the total fish catch has gone up, it satisfies only 64 per cent of the demand. This has been matched by an increase in fish imports in the form of dry and canned fish. Livestock population shows a downward trend from 1981 to 1990, except for poultry.

230. Estimates of post-harvest food loss have varied over the years. For fresh, perishable foods, it has been estimated to be in the order of 30 per cent; for cereals, it does not seem to exceed 3 per cent. There is a greater seasonal variation of food availability and consumption in the dry zones of Sri Lanka.

231. Costs of agricultural inputs and labour are high (i.e. costs of production have steadily gone up). There is increasing scarcity of land for cropping. Except in the case of green gram, the cultivation of all crops including paddy is decreasing. There is an uneven distribution of agricultural and fishing products. Over the past few years, there has been a partial breakdown in the coverage of agricultural extension services.

232. Changes in food habits, especially among the urban population in the past decade, and availability of wheat flour at subsidized rates are examples of disincentives for local food production (rice and other cereals). Attempts to alleviate the food situation by promoting home gardens have failed for

several reasons. Despite recommendations for the use of organic manure and potted gardening, the problem of insufficient land and water, the high cost of fencing and inadequate extension services hindered such activity.

233. According to the latest Household Survey, 50 per cent of families do not earn sufficient income to cover their full food requirements; some spend up to 70 per cent of their income on food. One important reason for this situation is the emerging trend towards spending money on high-cost processed food items advertised in the media instead of locally available low-cost foods. However, low earnings are not the sole problem; even in households with undernourished children the consumption of energy foods out of any additional income earned can be low for these children. Further, even where food availability is adequate, there can be undernutrition due to preferential allocation of food to non-vulnerable family members.

234. The availability and use of iodized salt is not adequate. There are administrative and operational constraints that need to be overcome to be self-sufficient in iodized salt. Increased awareness of the importance of iodized salt is necessary to overcome resistance to changing dietary habits.

235. The high cost of vegetables, and the adverse effects of commercial food advertisements in the media inhibit dietary diversification, through consumption of locally available food items, to improve iron and vitamin A content in the diet. Trials of iron fortification of wheat flour to improve iron intake are being conducted and are expected to be completed soon.

Women's organizations

236. Over the past two decades a conscious effort has been made to bring women into the mainstream of the development process. In pursuit of this policy a Women's Bureau was established. As a further step, The Ministry of Women's Affairs was created. In the fields of agriculture, health and nutrition, in particular, the setting up of women's organizations with a view to making them channels of communication and a vehicle for action was actively promoted. These organizations should be systematically used in the promotion of care for women and children.

237. The Women's Charter, which is a policy statement based on the Convention for the Elimination of All Forms of Discrimination against Women was approved by the Cabinet in 1993. The National Committee on Women was set up in August 1993 to implement the provisions of the Women's Charter, with the mandate to receive and take action on complaints of gender discrimination and monitor policies and programmes as regards their impact on women's rights and responsibilities.

The political commitment

238. The political commitment to poverty alleviation and reducing malnutrition is high and needs time and judicious/informed policies to materialize in actual deeds. The macroeconomic constraints related to the position and dependency of Sri Lanka on international markets have a heavy toll in poverty and its associated social problems.

239. The Government of Sri Lanka has committed itself to nutrition priorities as a signatory of the South Asian Association for Regional Cooperation (SAARC) Colombo Declaration of 1992 and had already approved the Plan of Action for Children (1991) that endorsed the World Summit for Children goals. Sri Lanka was also an early signatory to the Convention on the Rights of the Child, which protects four main areas of children's rights: survival, development, protection and participation.

Table 13. Food production and consumption

	Production MT ('000)	Imports MT ('000)	Food available for consumption	Per capita average kg/yr
Rice				
1991	2 389	195	1 727	100
1992	2 340	349	1 706	98
1993	2 510	304	1 697	97
1994	2 683	34	1 691	97
Wheat flour				
1991	-	495	597	35
1992	-	523	561	32
1993	-	570	554	32
1994	-	655	671	39
Other cereals				
1991	41	-	26	1.5
1992	34	-	30	1.7
1993	40	-	35	2.0
1994	39	85	49	3.0
G.gram				
1991	27	-	26	1.5
1992	23	-	22	1.3
1993	21	-	20	1.2
1994	19	-	18	1.0
Soybeans				
1991	2	3	2	0.1
1992	1.3	0.3	1.5	0.1
1993	0.9	3	4	0.2
1994	1	15	15	0.9
Cowpeas & dahl				
1991	23	55	76	4.4
1992	17	55	67	4
1993	19	46	67	4
1994	19	79	93	5

Table 13 (continued)

	Production MT ('000)	Imports MT ('000)	Food available for consumption	Per capita average kg/yr
Vegetables				
1991	567	-	567	33
1992	572	-	572	33
1993	579	-	579	33
1994	587	-	587	34
Fish				
1991	211	53	179	10
1992	221	56	193	11
1993	236	78	221	13
1994	240	61	200	11
Beef				
1991	23	0.07	23	1.3
1992	26	0.1	26	1.5
1993	24	0.04	24	1.4
1994	26	0.06	17	1.0
Poultry				
1991	15	0.5	15	0.9
1992	19	0.4	19	1.1
1993	25	0.3	25	1.5
1994	26	0.1	17	1.0
Eggs				
1991	46	-	45	2.6
1992	46	-	45	2.6
1993	49	-	48	2.7
1994	49	-	48	2.7
Cows milk				
1991	189	-	139	8
1992	196	-	137	8
1993	206	-	147	8.5
1994	212	-	155	9

Source: Food Balance Sheet 1991-1994, Department of Census and Statistics, Ministry of Policy Planning and Implementation.

Right to adequate housing

240. Information on the housing situation in Sri Lanka, taken from the Census of Population and Housing, 1981 is given below:

Table 14. Housing stock by sector, 1981

Sector	No. of occupied housing units ('000)	Percentage
Urban	511.8	18.2
Rural	2 084.8	74.7
Estate	217.2	7.7
Total	2 813.8	100

Source: Department of Census and Statistics (based on National Housing Census of 1981).

Table 15. Housing stock by type, 1981

Type	No. of occupied housing units	Percentage
Permanent	1 187.5	41.9
Semi-permanent	1 453.3	51.6
Improvised	182.0	6.5
Total	2 813.8	100

Source: Department of Census and Statistics (based on National Housing Census of 1981).

Table 16. Occupied housing units by tenure, 1981

Tenure	Occupied housing units ('000)	Percentage
Owned	1 956.3	69.5
Rented or leased	287.9	10.2
Rent free	324.4	11.5
Other	245.2	8.7
Total	2 813.8	100

Source: Department of Census and Statistics (based on National Housing Survey of 1981).

241. Table 17 reflects the number of families living in occupied housing units.

Table 17. Housing units and living quarters other than housing units, 1981

No. of households in occupied units	No. of units	Percentage
1	2 756.0	95.3
2	121.7	4.2
3	13.4	0.53
4 or more	2.1	0.70
Total	2 893.2	100

Source: Department of Census and Statistics (based on National Housing Survey of 1981).

Table 18. Water

Source of Water	Occupied housing units %	Persons %
Piped water	17.6	18.6
Protected well	52.2	52.7
Unprotected well	20.6	20.1
River tank	7.0	6.4
Other sources	2.5	2.1
Total	100.0	100.0
Total No. of units		
Persons '000	2 813.8	14 629.7

Source: Department of Census and Statistics (based on National Housing Census of 1981).

Table 19. Toilet facilities by occupied housing units and persons, 1981

Type of toilets	Occupied housing units %	Persons %
Flush	4.8	5.6
Water seal	22.1	23.5
Pit	37.7	38.4
Bucket	1.9	2.1
None	30.3	27.6
Not stated	3.2	2.8
Total	100.0	100.0
Total No. of units	2 813.8	14 629.7
Persons '000		

Source: Department of Census and Statistics (based on National Housing Census of 1981).

Table 20. Electricity facilities for lighting and cooking by occupied houses, 1981

Facility	No. of occupied houses	% of total occupied houses
Lighting	419.6	14.9
Cooking	23.1	0.8

Source: Department of Census and Statistics (based on National Housing Census of 1981).

Illegal housing settlements

Most of the illegal settlements are located on government land in Colombo City.

Table 21. No. of shanty units in Colombo City according to Colombo municipal district, 1993

Municipal districts	No. of shanty units
Colombo North	5 508
Colombo Central	6 190
Borella	3 785
Colombo East	4 835
Colombo West	1 117
Total	28 685

Source: Colombo City Office, National Housing Development Authority.

Waiting list for obtaining accommodation

242. The National Housing Development Authority (NHDA) invited applications island-wide for housing assistance in 1995 and 589,076 families have forwarded applications requesting financial assistance to construct new houses or upgrade existing ones.

243. The following housing programmes are being implemented by the NHDA to assist needy families. Temporary houses are being provided whenever required under various programmes.

(a) Hundred houses per electorate programme: Providing housing facilities with land and infrastructure on a settlement basis to low-income and lower-middle income families in the context of integrated housing development;

(b) Urban housing programme:

(i) Direct construction of houses/flats for sale: construction of flats/houses for sale at reasonable prices to lower-middle income and middle income families in urban and semi-urban areas;

(ii) Direct construction of houses/flats for relocation, providing relocation facilities to families who need to be evacuated from their living places for various reasons;

(iii) Joint venture housing programme, encouraging private developers to invest in house construction for the benefit of middle and upper-middle income earners;

(iv) Coastline relocation programme for low-income families: construction of houses/flats to relocate families living in the coastline area to provide them with a better living environment and improve the coastal environment;

(v) Loan programme, providing low interest affordable loan facilities for urban low-income families to construct houses;

(vi) Grant assistance programme, to provide grant assistance for poorest of the poor urban families to construct houses.

(vii) Public utilities, to provide or to upgrade public utilities such as water and sanitation in low-income urban and semi-urban settlements;

(viii) UNICEF assisted urban basic services programme (UBS), to enhance the nutrition, water and sanitation, health education and income generating activities of urban low-income families through the urban local authorities. Phase III of the UBS programme commenced in 1990 with an allocation of US$ 2.5 million covering 12 municipal council and urban council areas. It was implemented during the period 1990-1993 as planned. The commencement of the Phase IV country programme was planned to be implemented from 1997 to 2000. Considering the success of the Phase III programme, the evaluation team of the Canadian International Development Agency (CIDA) recommended UNICEF to continue the programme from 1994 to 1996. On this recommendation UNICEF decided to continue the programme and allocated US$ 0.32 million. This programme was funded by CIDA. For the year 1995 UNICEF has allocated Rs. 9 million as reimbursable foreign aid and the Government of Sri Lanka is providing Rs. 4 million for this programme as the local counterpart.

(ix) Canal bank programme: provision of loan/grant assistance to construct houses to families relocated from the canal bank improvement project area.

(c) Rural housing programme:

(i) Loan programme, providing low-interest affordable loan facilities for rural low-income families to construct houses;

(ii) Grant assistance programme, to provide grant assistance for poorest of the poor rural families to construct houses;

(d) Estate housing programme:

(i) Loan programme, providing low interest affordable loan facilities for estate workers to construct houses;

(ii) Public utilities, providing public utilities to Estate workers settlement to enhance their living environment.

244. For the number of persons in different types of housing tenure, please see table 15.

Existing laws affecting the realization of the right to housing

245. The following laws affect the realization of this right:

Town and Country Planning Act, vol. XIX, No. 13 of 1946;

National Housing Act, vol. XII, No. 37 of 1954;

Lands - Nindamaga Act, vol. XI, No. 30 of 1968;

Government Quarters (Recovery of Possession) Act, vol. XX, No. 7 of 1969;

Rent Act, vol. XIX, No. 7 of 1972;

Land Reform Act, vol. XI, No. 1 of 1972;

Urban Development Authority Act, vol. XIX, No. 41 of 1978;

National Housing Development Authority Act, No. 17 of 1979;

State Lands (Recovery of Possession) Act, No. 7 of 1979;

Land Grants (Special Provision) Act, vol. XI, No. 43 of 1979;

Agrarian Services Act, vol. XI, No. 58 of 1979;

Urban Development Authority (Special Provision) Act, vol. XIX, No. 44 of 1984;

Central Environmental Authority Act.

Measures taken to fulfil the right to housing

246. The Government in its election manifesto declared the following policy objectives concerning housing:

A special national programme will be worked out to guarantee the right of every family to own a house, according to their needs;

Highest priority will be given to the need to provide better housing facilities to slum-dwelling people in urban and coastal areas and in rural areas;

In order to solve the housing problem of the middle and lower-middle classes, special housing schemes suited to their income levels will be initiated;

Eliminate wasteful public expenditure and utilize money thus saved to construct houses for the people;

A national housing fund will be established to enable fixed income earners to obtain easy and low-interest housing loans. All employees will contribute to this fund, starting with their very first salary;

Steps to provide land, cement, bricks and other building material at low cost;

A special programme will be worked out to assist newly married couples to purchase land and obtain housing loans at low cost.

Measures taken to encourage "enabling strategies"

247. Most of the NHDA housing programmes are implemented through decentralized and devolved administrative mechanisms.

248. The Housing Development Society is the key community level organization participating in the rural housing programme at the grass-roots level. The main tasks assigned to the Housing Development Society are mobilizing and strengthening community supervision of the use of loans given by the NHDA for the construction of houses, loan recoveries, etc.

249. For urban settlements the Community Development Councils (CDCs) are the main institutions carrying out activities, supervising overall development work and coordinating with individual households and other community based organizations under the urban housing programme.

250. Community Action Planning is the community-based methodology grouping residents within the settlement package of activities for mobilization, capacity building, organization and formation of CDCs to prepare, plan, implement and manage their own housing and social development programmes.

251. Measures taken to ensure that international assistance for housing and human settlement is used to fulfil the need of the most disadvantaged groups are the following:

USAID housing guaranteed low-income shelter programme

252. Twenty-five million US dollars have been obtained to grant financial assistance to low-income shelter-needy families. The objective of this programme is to enable shelter-needy low-income rural and urban families to have easy access to housing loans in keeping with their requirements and repayment affordability at a low rate of interest and to receive other possible assistance towards fulfilling their own housing needs.

Commodity grant for low-income house builders

253. Phase I of this programme was implemented in 1994 and assisted 7,952 low-income families, providing galvanized roofing sheets granted by the Japanese Government. Phase II of the programme is being implemented to assist 11,155 families.

UNICEF-assisted urban basic services programme

254. Phase I of this programme was implemented in the Colombo Municipal Council area during the period 1979-1983. The Colombo Municipal Council and the Common Amenities Board worked together to improve the health, nutrition and basic facilities of poor children and mothers within the municipal limits of Colombo. The UNICEF allocated US$ 10 million for the implementation of this phase of the programme, which was funded by the Government of the Netherlands.

255. Considering the success of Phase I, UNICEF decided to support the expansion of activities under the programme to six urban local authorities:

Colombo MC
Jaffna MC
Batticoloa MC
Dehiwala MC
Kalutara UC
Moratuwa UC

A sum of US$ 3.5 million was allocated to Phase II during the period 1984-1988 and the National Housing Development Authority which comes under the Ministry of Local Government, Housing and Construction was appointed as national coordinating agency. This phase was funded by the Canadian International Development Agency (CIDA).

256. Phase III of the urban basic services programme commenced in 1990 with an allocation of US$ 2.5 million covering 12 municipal council areas and 2 urban council areas. Local authorities which came under this phase are as follows:

Colombo MC
Jaffna MC
Batticoloa MC
Dehiwala MC
Kalutara UC
Moratuwa UC
Kandy MC
Galle MC
N'Eliya MC
Negombo MC
Matale MC
Kurunegala MC
Ratnapura MC
Badulla MC.

Phase III of the programme was implemented during the period 1990-1993 as planned. Phase I of the country programme was to be implemented from 1997-2001.

Hundred houses per electorate programme

257. The National Housing Development Authority has launched the hundred houses per electorate programme in 1995 to provide housing facilities with land on a settlement basis to low-income and lower-middle income families in the context of integrated housing development. These projects were located in areas where basic infrastructure facilities are available in close proximity. In other places where infrastructure is inadequate NHDA has taken the steps to provide necessary basic services to these new settlements to encourage them to develop as small and intermediate urban centres.

Measures taken for protection from eviction due to urban development

258. The affected families are guaranteed better housing facilities with infrastructure in close proximity under a relocation programme.

Difficulties encountered in the fulfilment of housing rights

259. The following difficulties are being encountered:

(i) Shortage of financial resources;

(ii) Unaffordable high prices of land;

(iii) Increasing cost of construction.

Article 12

Mental and physical health of the population

260. Sri Lanka has a wide network of health services in terms of geographical and population coverage and has a longstanding reputation for maintaining a reasonably high standard of health facilities through the provision of free medical care, free hospital care and free clinical facilities. This has been made possible through the allocation of substantial amounts of financial resources from the government budget to the social sectors continuously in the post-independence period. A share of 1.5 per cent of GNP (Rs. 4.9 billion) was spent on the provision of health facilities in 1990. The emphasis has been on both preventive and curative health care.

261. The current health status of the population is a reflection of the access to health services. The life expectancy at birth has increased from 42.8 years in 1946 to 61.7 in 1963, and 67 in 1981 and 71.1 (male) and 74.8 (female) in 1991. The rapid increase in the average life span, more so for females, reflects significant improvements in health and social welfare provisions contributing to survival of such vulnerable groups as infants, children and child-bearing women.

262. There has been a remarkable decline in the crude birth rate over the years: from 40.4 per 1,000 population in 1950 to 20.1 in 1992. Tremendous improvements have occurred in mortality. The crude death rate declined in the same period from 12.6 per 1,000 population to 5.6 in 1992. The maternal mortality rate is around 4 per 1,000 live births as against 16.5 in 1945 and 5.6 in 1950. The infant mortality rate declined to 17.5 in 1989 as against 140 in 1945 and 82 in 1950. The neonatal mortality rate was as high as 75.5 in 1945 and 49.2 in 1950. The current figure is 14 (1992).

263. In contrast to improving health status, the nutritional situation does not reflect significant positive change. The proportion of stunting had remained unchanged: around 36 per cent during the 1980s. On the other hand, the proportion of wasting among under-five children had increased to 18 per cent in 1988-1989 as against 12 per cent in 1980-1981. This proportion was as high as 35 per cent in 1993.

264. Furthermore, Sri Lanka shows a pattern of morbidity which is common to developing countries, and is mainly attributed to low socio-economic level, poor environmental sanitation, low levels of nutrition and perhaps inadequate health education. This situation has resulted in the population experiencing high levels of morbidity due to preventible diseases. Although the major scourges, such as cholera, plague and smallpox, which were prevalent in the pre-independent era, have been successfully controlled and, by primary prevention, diseases of infancy have been almost eradicated, there is still a high incidence of diseases attributed to contaminated water and food, vector borne disease and upper respiratory infections, which are common to all age groups and are preventible. With improvements in life expectancy there is an increasing incidence of morbid states attributed to ageing. Also the recent past has shown a high incidence of morbidity attributed to injury and poisoning as a result of developments in the use of modern technology in agriculture, industry and communications.

Mental health

265. Though Sri Lanka has had vital indices which are relatively better than those obtained in many countries with a comparable or higher economic status, there are certain disturbing trends in the morbidity patterns, particularly in regard to mental health. It is estimated that above 5 to 10 per cent of the population suffer from mental disorders and those suffering from severe mental disorders account for 2 per cent of the population.

266. Admission to government hospitals for mental disorders is as follows:

	1970	1980	1990	1993
Cases per 100,000	176.8	207	211.3	241.1

This analysis indicates an increasing trend for mental disorders. During the 1970s there were around 177 admissions per 100,000 population for mental disorders. In 1993 the corresponding figure was 241. Sri Lanka has the second highest suicide rate in the world and it is recorded that more than 8,000 young persons committed suicide in 1991.

267. With industrialization, improved communications and the accelerated pace of development, the community is experiencing increased social stress. Increasing numbers are seeking employment in locations far removed from their ancestral homes and villages. As a result, the younger segments of the population are not contained by conservative values, attitudes and beliefs, and experience high levels of social freedom. It is evident that drug and alcohol dependence, adolescent crime, child abuse, marital conflict and sexual disorders are on the increase and are likely to cause major problems in Sri Lanka.

268. In view of the foregoing and considering the current disruption of the social fabric brought about by the ongoing ethnic conflict it is evident there is an urgent need for developing an effective mental health programme in Sri Lanka.

269. One of the problems especially associated with chronic psychiatric patients is that they are not accepted by their relations and the community. Thus there is a need for accommodation in the form of hostels and homes for such patients.

National health policies and strategies

270. Successive Governments have committed themselves to provide free, comprehensive, promotive, preventive, curative and rehabilitative care, easily accessible to the entire population. This commitment was reaffirmed when in 1980 the Government signed the Charter for Health Development of WHO, formally endorsing the concept of "Health for All by the Year 2000" with primary health care as the key strategy.

271. A presidential task force for the formulation of a national health policy for Sri Lanka was constituted in March 1992. The national health policy sets out to achieve certain measurable goals and objectives by the year 2000.

272. The major thrust of the health policy in the 1990s will be:

Health promotion, prevention and control of disease, both communicable and non-communicable;

Fostering healthy lifestyles conducive to and capable of protecting, preserving and promoting the health of the population, particularly of schoolchildren, youth and adolescents;

Human resource development, with emphasis on building positive humane attitudes and appropriate knowledge and skills for the provision of services of defined quality, in the context of the changing roles of the public and private sectors in the future economic milieu;

Strengthening the quality and range of existing services, with emphasis on bridging the gaps therein;

Decentralization of health administration.

273. The Government has also formulated the Perspective Plan for Health Development covering the next 10 years from 1995 to 2004 to guide future health development efforts.

Government expenditure on health

274. In the 1960s Sri Lanka allocated about 7.5 per cent of government expenditure for health services. This was over 2 per cent of GDP. Today expenditure on health services is about 4 per cent of government expenditure and 1.5 per cent of GDP.

Infant mortality rate and maternal mortality rate

275. The infant mortality rate declined from 140 per 1,000 live births in 1945 to 19.3 per 1,000 in 1990. Approximately 70 per cent of infant deaths occur in the neonatal period. The leading causes of infant deaths are: perinatal disorders, low birth weight, birth asphyxia/birth trauma, diseases of the respiratory system, parasitic diseases and intestinal infections.

276. Maternal mortality declined from 1,650 per 100,000 live births in 1945 to an estimated rate of 60 per 100,000 in 1992. Haemorrhage during pregnancy and childbirth, hypertension complicating pregnancy and abortions are the most frequent causes of maternal deaths. Puerperal sepsis which was a main cause in the 1940s currently accounts for about 3 per cent of maternal deaths.

277. It must, however, be noted that though the overall indices have reached satisfactory levels, significant differences in infant and maternal mortality continue to exist between districts and between social sectors.

Maternal and child care

278. The traditional home delivery system, which was of poor hygiene and could not cope with complicated deliveries, was on its way out in Sri Lanka by 1945. While in 1945 a little less than half the total number of births were either attended by field midwives or took place in hospitals and nursing homes, by 1993 around 97.7 per cent of births were attended by health personnel.

279. Maternal and child health care is provided through antenatal and child welfare clinics. These clinics are managed by medical officers and a cadre of public health nursing sisters and public health midwives. Comprehensive and widespread maternal and child health-care services at the primary level, linked to the intermediate institutional level, the training of midwives and the relatively manageable areas and number of persons under their care, combined with health education and nutritional supplements, have resulted in the reduction of the maternal and the infant mortality rates.

280. The Family Health Bureau is the central organization responsible for planning, coordination, direction, monitoring and evaluation of maternal and child health and family planning programmes in the country. In this role the Bureau undertakes in-service training in family health of various categories

of health workers, conducts health services research and implements special projects funded by international agencies to support and strengthen services throughout the country.

Access to safe water and adequate excreta disposal facilities

281. The Ministry of Health is actively concerned with the provision of safe water and sanitary excreta disposal facilities to the population.

282. Disposal of refuse is a function of the local bodies, being supervised by the Medical Officer of Health/Divisional Director of Health Services of the area. One of the important components of the environmental sanitation programme of the Ministry of Health is the promotion of the construction of latrines in houses without such facilities. In pursuance of this objective the Department in addition to creating community awareness through health educational programmes, provides financial assistance to poor householders for the construction of latrines. Under this scheme, which has been in operation since 1959, a subsidy is paid to low-income householders for the construction of latrines, preferably of the water-seal type. Plates and syphons are provided if required. The subsidy has been increased gradually from Rs. 25 at the inception to Rs. 1,500 in 1993. Owing to the high cost of construction, it is observed that this subsidy is inadequate. The subsidy and the total allocation have to be increased accordingly.

283. The available data reveals that by the end of 1992, 61 per cent of the total population (excluding Northern and Eastern Provinces), had adequate excreta disposal facilities. Sixty-seven per cent of the urban population had adequate excreta disposal facilities compared to 60 per cent in the rural sector. Flush toilets, water-seal latrines and pit latrines have been considered to be satisfactory excreta disposal systems.

284. The Ministry of Housing and Construction is mainly responsible for the provision of potable water to the urban and to the rural population. The Ministry of Health monitors the quality of water while promoting the use of safe water for drinking through community education. Water obtained from potable water supply schemes through house connections, yard taps, public standpipes, boreholes with handpumps and protected dug wells are defined as sources of safe drinking water. According to the data collected by the national Water Supply and Drainage Board, at the home or within an accessible distance is only 53 per cent, excluding Northern and Eastern Provinces. However, there is a marked difference between the urban and rural sectors in the availability of safe drinking water: 87 per cent of the urban population have safe drinking water, while only 49 per cent of the rural population enjoyed this facility.

Infants immunized against diphtheria, pertussis, tetanus, measles poliomyelitis and tuberculosis

285. The national programme of immunization in Sri Lanka goes back to the 1960s. The triple vaccination against diphtheria, polio and tetanus (DPT) was introduced in 1961 and the oral polio vaccination in 1962. The

BCG vaccination against tuberculosis was being administered throughout the country by 1963. Thus, in 1975, the countrywide immunization coverage for infants was estimated as follows:

BCG	70%
DPT 3	25%
OPV 3	30%

286. The initial efforts at immunization were beset with numerous problems, such as inadequate trained personnel, breakdown in the cold chain, lack of adequate transport and breakdown in vaccine supplies. At first the programme also faced resistance from the people. In order to overcome the problems and expanded programme of immunization (EPI) was begun in 1978. The measles vaccine was not introduced into the Sri Lanka EPI at this stage, owing to the very high cost of the vaccine and the absence of sufficient epidemiological data on measles.

287. Recognizing that universal child immunization (UCI) was within reach, the Ministry of Health in August 1985 established programme targets for immunization coverage and disease reduction and ways to achieve these targets. The strategy adopted to achieve UCI was to accelerate the programme according to the principles outlines in the joint WHO/UNICEF document, "Planning principles for accelerated immunization activities".

288. A joint government/WHO/UNICEF review of EPI and CDD carried out in March 1986 in three randomly selected health divisions revealed that immunization coverage in children aged between 12 and 23 months was over 90 per cent for BCG, DPT 3 and OPV 3, while for measles it was over 50 per cent. Almost universal protection of infants against neonatal tetanus had also been achieved in these three divisions.

289. The end of 1985 was marked by the launching of the accelerated immunization programme, with a firm political commitment to achieve the goal of UCI by the end of 1989. The launching of this programme brought about a perceptible increase in the immunization coverage of infants against the six target diseases.

290. During the period 1980-1993 there was a significant decline in the incidence of the EPI target diseases: poliomyelitis from 1.7 to 0.1, diphtheria from 0.3 to 0.0, pertussis from 3.7 to 0.1, measles from 34.3 to 3.2 per 100,000 population, while neonatal tetanus dropped from 83.9 to 3.5 per 100,000 live births.

291. The implementation of EPI guaranteed effective planning and management, adequate quantities of good quality vaccines, a proper "cold chain" system and methods for monitoring, supervision and evaluation of the programme. Staff at central, regional and district levels were trained in EPI management courses and "cold chain" methodology. Public health inspectors and public health midwives were particularly trained in the techniques of vaccine

administration. The integration of EPI with maternal and child health-care activities from the central level to the regional and district levels, right down to the public health midwife ensured that children throughout the country received their immunization at the correct age.

292. As the programme moves towards the year 2000 and the effort to eradicate poliomyelitis and eliminate neonatal tetanus gathers momentum, the financial resources needed to sustain EPI at least at the present level have to be assessed. With the gradual reduction of funds available from international and non-governmental sources, expenditure on this programme will have to be maintained at a very high level if the gains made so far are not to be lost.

Life expectancy

293. The progressive evolution of health policies and strategies has been manifested in the rise of life expectancy at birth in Sri Lanka from 42.8 years in 1946 to 71 years in 1992. This far exceeds the life expectancies recorded for most other South Asian countries. Female life expectancy, which was lower than male life expectancy in the past, has now overtaken male life expectancy. Thus life expectancy at birth in 1946 was 44 years for males and 42 years for females. In 1992 it was 68 years for males and 72 years for females.

Health manpower

294. Sri Lanka has a total of above 52,000 personnel in the government health sector. Of them, 3,345 (6.4%) are medical officers; 1,253 (2.4%) are registered assistant medical practitioners, 11,214 (21.6%) nurses, 41,087 (7.9%) public health midwives and 2,025 (3.9%) hospital midwives. There were 381 dental surgeons and 113 health nurses in 1992. A little more than one fourth of the total manpower are minor employees.

295. Over the period 1980-1992, there have been significant increases in the availability of key health personnel both in terms of their members and rates, population based. The number of medical officers has increased from 2,316 in 1980 to 3,713 in 1992.

296. In the private sector there are an estimated 550 qualified family practitioners. The private services are largely in the urban areas and are provided through approximately 800 general practitioners, 85 private hospitals with 1,825 beds, 662 retail pharmacies and a few diagnostic laboratories. The number of nurses almost doubled from 6,124 to 11,214 and that of public health midwives increased from 1,817 to 4,108. During the same period, there were the availability of public health nurses (from 213 in 1980 to 113 in 1992) and public health inspectors (from 913 to 816).

Table 22. Number of government hospitals, beds, personnel, patients treated and expenditure on health services, 1988-1993

Number

Item	1988	1989	1990	1991	1992	1993
Hospitals a/	413	419	352 e/	365*	422	426
Beds a/	44 454	45 721	41 416 e/	41 782*	47 184	48 948
Doctors b/	2 316	2 456	2 440 e/	2 934	3 345	3 713
AMO/RMO	1 100	1 193	1 074 e/	1 201	1 253	1 305
Nurses c/	3 317	9 486	8 957 e/	9 934	11 214	11 818
Attendants	6 019	6 030	5 706 e/	5 697	5 710	5 772
Expenditure: Rs. million d/	3 837	5 038	5 383	5 438	6 967 f/	7 160 f/

Source: Ministry of Health.

a/ Excludes maternity homes and central dispensaries, but includes maternity hospitals (De Soysa and Castle Street hospitals).

b/ Doctors of all grades in the Department of Health Services.

c/ Excluding pupil nurses, public health and dental nurses.

d/ Includes capital expenditure, grants, rebates and contributions.

e/ Excludes Northern and Eastern Provinces.

f/ Provisional
AMO - Assistant Medical Officer, RMO - Registered Medical Officer.

Groups who are disadvantaged in relation to health care

297. The Government recognizes that health services do not as yet fully reach those most in need, such as children, youth and adolescents, the socially and economically weak sections of the population, such as the urban poor, and those living in areas covered by major development projects, plantations and areas of armed conflict.

Environmental and industrial hygiene

298. Environmental pollution arising from various sources is a growing concern of the health sector. The process of urbanization and industrialization, increasing motorization, increased use of chemical fertilizers and pesticides in agriculture, deforestation, changing styles

of living requiring modern household technology and fast food, etc., are contributing to environmental pollution. This results in many diseases and has long-term adverse implications for the health of the population.

299. Environmental health problems that are commonly faced by Sri Lanka are:

Diarrhoeal diseases, largely as a result of contaminated water and food;

Acute respiratory diseases due to indoor and outdoor air pollution;

Diseases caused by exposure to chemical agents, especially agrochemicals;

Accidents and injuries;

Malaria and other vector-borne diseases;

Intestinal parasitic infestation.

In view of this, it has been recognized that a closer look at health and environmental issues is necessary in order to address the emerging problems resulting from environmental pollution.

Issues and problems

300. Sri Lanka has an impressive portfolio of enactment of legislation and of well-formulated schedules of environmental and quality standards covering many aspects. But there are inadequacies in subsidiary regulations and technical and institutional capacity for enforcement and monitoring. Although Sri Lanka is in an early state of industrialization, the industrial sector is likely to expand rapidly in the next few decades.

301. Health hazards caused by motor vehicle emissions are increasing with the increasing volume of traffic on the roads. These health hazards are of two categories. In one category, the harm is caused indirectly through the ill effects of the emission of greenhouse gases which contribute to global warming. Greenhouse gases are emitted from a variety of sources. Ozone depleting substances are emitted from motor vehicles, air-conditioners, refrigerators and a large range of other products. Both the causes and the ill effects of this category of health hazards are more global than local. For Sri Lanka, the greater concern is on account of the entry into the lungs of human beings of toxic gases and particulate matter, including carbon monoxide, hydrocarbons, nitrous oxide, sulphur dioxide and airborne carbon and lead. The ill effects on health arising out of the inhalation of noxious fumes are sufficiently grave to warrant immediate corrective measures.

302. Health hazards which arise during cooking are due mainly to unsatisfactory utensils and substandard fuel, and particularly afflict the poor. The bulk of the cooking in Sri Lanka homes is done on crude, inefficient firewood stoves. The ill effects are mainly caused by excessive exposure to heat and smoke from wildfire as well as accidental burns.

303. Other health hazards arise in lodging houses. A large number of young people live around universities, industrial zones, etc. in crowded urban settings. These youths often come from rural settings and live in unhygienic conditions without the basic facilities of adequate ventilation, water, sanitation and nutrition, and unable to rest or take part in studies in privacy.

Policy measures

304. The National Health Policy has spelled out a number of measures to improve the health and environmental situation in the country. The measures and their current status are as follows:

(a) Heavily polluting industries will be excluded from Sri Lanka through Environment Impact Assessment (EIA) processing and prescription of environment standards prior to establishment of the polluting industry.

(b) The costs and benefits of continuing to permit free use of several highly toxic agrochemicals, which are banned in many other countries, will be examined on a priority basis.

(c) The use of organic fertilizers in agriculture and in the plantations will be promoted to partially replace chemical fertilizers.

(d) The use of integrated weed control and pest management in agriculture and in the plantations will be promoted as a partial substitute for pesticides.

(e) To minimize health hazards caused by emissions and toxic material a number of measures are being implemented. An inter-agency committee has been established to coordinate the implementation of the commitments under the Basel Convention. The same committee coordinates an action programme for "Clean air by the year 2000". Better maintenance of motor vehicles will be ensured, particularly in respect of the emissions of noxious fumes. This requirement will be built into the annual licensing procedure of motor vehicles. In addition, better maintenance of motor vehicles is promoted through:

(i) An awareness programme, using lectures, leaflets and television programmes;

(ii) Implementing a comprehensive programme prepared by a sub-committee appointed by the Central Environmental Authority (CEA);

(iii) A report prepared to demonstrate the actual cost and pollution reduction resulting from engine tune-up.

(iv) Promoting the use of deleaded petrol. A sub-committee on fuel reformulation is exploring the possibility of introducing lead-free gasoline as soon as possible. The Ceylon Petroleum Corporation which has the monopoly of importing petroleum has agreed to introduce lead-free gasoline from 1996.

(f) In view of the environmental and human health problems caused by the haphazard import and use of toxic chemicals in the country an appropriate control system for the import, use and disposal of chemicals was considered an urgent necessity. On the initiative of the Central Environmental Authority, a Technical Advisory Committee was appointed in July 1989 to control the import and use of toxic chemicals. The committee compiled an inventory of all chemicals imported into the country, including pesticides, pharmaceuticals and industrial chemicals. Sri Lanka now has a complete record of all chemicals being imported and used within the country.

Community participation in primary health care

305. Community participation for health promotional activities has a long history in Sri Lanka. As many as 2,400 years back, between 437 and 377 B.C., community hospitals, the first of their kind, were built in Sri Lanka. During the precolonial and subsequent colonial periods, wealthy people used to donate lands, buildings and other resources to set up and run dispensaries and hospitals in their localities. This tradition continues to a certain extent today. The government policy has always been to promote community participation in community development activities including health.

306. Following the restructuring of the health services on a decentralized basis, the PHC delivery and support system (fig. 2.4) provides an organizational structure for community participation. The Gramodaya health centre at the village level is the focus for promotion of community participation, while the family health workers are the first point of contact with the people. There are at present more than 15,000 young voluntary health workers, who assist in providing primary health care. Community participation in conducting the expanded programme on immunization (EPI), the blood donation campaign and the control of epidemics is quite impressive. Women's and youth organizations are active in these activities.

Health education

307. In Sri Lanka, health education has been an important function of the Department of Health Services, since its early days. Public health inspectors, midwives and all other field staff were expected to undertake health education as a component of their routine duties, though the necessary leadership was practically non-existent. Much health education was carried out during the ankylostomiasis campaign in 1916 to enlighten the public about the problems of hookworm infestation. After that, health education activities expanded gradually to schools, clinics and the community at large and a countrywide health education delivery system was established. The rapid progress made during the past three decades has culminated in the establishment of the Health Education Bureau with leadership at the centre and a cadre of health education officers at the periphery.

308. Sri Lanka is committed to the attainment of the goal of "Health for all by the year 2000". Though the role of public information and education for health in achieving this goal is a difficult one, beset with a variety of constraints, it is very important, as information and education are mutually supportive in reaching wide audiences and key segments of the public. Promoting advocacy, raising general health consciousness, delivering technical

health messages in a more comprehensible form, creating political will among decision makers and fostering community involvement by educating the public to achieve positive health, and greater responsibility in self-care are other objectives. Furthermore, information and education programmes of the health and health related sectors of both government and non-government agencies represent a vast potential that remains to be tapped, if only mechanisms for planning, coordination and periodic evaluation could be organized.

309. The role of health education within planning and managing health programmes at the national level consists of:

(a) Ensuring the integration of health education goals into the various health programmes - the primary health care components;

(b) Promoting new approaches that facilitate the achievement of health education goals; the involvement of the community, identification and utilization of all available resources and exploration of potential resources, the promotion of intrasectoral coordination and, when feasible, use of appropriate technologies;

(c) Assisting the national health programmes in the formulation of clearly defined health education objectives, and planning the health education activities designed to achieve these objectives;

(d) Designing, testing, producing and distributing health education materials needed to achieve these objectives;

(e) Assessing training needs in health education, and providing orientation and training in health education to various categories of health staff in the various programmes.

310. Functionally, the work of the Bureau has been arranged into the following sub-units:

Community health education;

School health education;

Health education training;

Dental health education;

Hospital health education;

Specialized campaigns and special programmes;

Material production;

Communication;

Evaluation and research;

Exhibitions;

Estate health education.

The Bureau at the national level is in charge of the above sub-units and assumes responsibility for the overall technical direction of and leadership in health education activities in relation to each of them.

311. At the provincial level there are at present 51 health education officers who are responsible for providing technical support and direction in health education to the health staff in the provinces and are generally responsible for health education activities in the areas assigned to them. Each health education officer, attached to the office of the deputy provincial director, is assigned to cover and be responsible for the health education activities of two to three deputy directors of health services/Ministry of Health units. The national-level officers provide the necessary guidance and assistance to the regional health education officers in the performance of their functions.

Objectives of the Health Education Bureau

312. The objectives of the Health Education Bureau are:

(i) To provide technical support for the development of the educational component in policy formulation, health planning and programming;

(ii) To provide support to different health programmes of the Ministry of Health through motivation and mobilization of communities for health action, and thereby ensure that such communities make optimal use of such service;

(iii) To coordinate with health related non-governmental institutions and organizations in the planning, implementation and evaluation of health education programmes;

(iv) To develop the required health education manpower both within and outside the Ministry of Health;

(v) To give publicity via the media for projects and programmes undertaken by the Ministry of Health;

(vi) To promote, support and undertake research in the field of health education;

(vii) To promote, support and undertake monitoring, evaluation and documentation of information, education and communication programmes;

(viii) To promote community health and individual health care by conducting health education programmes through the mass media;

(ix) To extend technical support to the estate sector to conduct systematic health education programmes for the estate community.

Article 13

Policy framework

313. The Directive Principles of State Policy provide that the State is pledged to establish a democratic, socialist society, the objectives of which include "the complete eradication of illiteracy, and assurance to all persons of the right to universal and equal access to education at all levels." (art. 27 (2) h of the Constitution of Sri Lanka).

314. Furthermore, the Children's Charter of 1992, which embodies the principles of the Convention of the Rights of the Child, provides as follows in its article 28:

> "(1) With a view to completely eradicating illiteracy and ensuring all persons the right to universal and equal access to education the State shall provide compulsory education to children from the ages of 6 to 16 years.
>
> (2) With a view to achieving the objective in paragraph (1), the State shall make every endeavour to:
>
> (a) Provide for free primary education and ensure every child has access to this benefit;
>
> (b) Encourage the development of different forms of secondary education, including general and vocational education, available and accessible to every child, and take appropriate measures, such as the introduction of free education, and offer financial assistance in case of need;
>
> (c) Provide for higher education and make it accessible to all on the basis of capacity;
>
> (d) Provide for higher education and vocational information and guidance available and accessible to every child;
>
> (e) Take appropriate measures to encourage regular attendance at schools and reduction of drop-out rates."

A Committee appointed by the Cabinet is entrusted with the implementation of the Charter.

The National Education Commission

315. The National Education Commission was established in 1991, under an Act of Parliament, to formulate a national education policy and as an advisory body to the President on education. The Commission's aim is to formulate a policy which is acceptable to all and which reflects the aspirations of the

people. A draft statement on national education policy was presented to the minister of education and Higher Education in February 1995. The Commission's recommendations broadly cover the following areas:

(i) The expansion of educational opportunities with a bias towards removal of disparities affecting certain disadvantaged segments of the population;

(ii) Improvement of the quality and content of education;

(iii) Stepping up of the efficiency of the educational system;

This policy framework reflects the deep commitment of the Government of Sri Lanka to the provision of primary, secondary and tertiary education and the value attached to learning in the country.

Free education

316. The modern education system of Sri Lanka began about 150 years ago under the British colonial administration. There were two types of schools: vernacular schools for the ordinary people and English-medium public schools catering for the upper classes. In the 1940s the progressive step was taken of granting free education from kindergarten to university and providing equal educational opportunities to everybody. Free primary, secondary and university education coupled with the continuous increase in the number of schools, resulting in there being a school at a reasonable distance from the homes of most children has meant greater accessibility to education irrespective of the financial conditions of parents.

317. Subsequently the mother tongue of the pupil was made the medium of instruction and the State took control of all the schools except a few denominational schools. These policies, with the accompanying expansion in educational provision has created a national system of education.

318. The free education system was further reinforced by several other policies which enabled poor children to participate in education. A free textbooks scheme has operated for most of the period since the 1950s. A free mid-day meal was provided from the 1950s till 1964, when it was discontinued. It was reintroduced in 1989. There is some evidence that school enrolment and school attendance have been greater during periods when a mid-day meal has been provided. In 1991, a free school uniform was also provided. These measures, together with subsidized transport and financial assistance in the form of scholarships at the secondary and higher education levels for all gifted students, have meant that the parental costs for education have been minimal.

319. The Government has established a network of over 10,700 schools spread throughout the country to provide primary and secondary education facilities to children of school-going age. In addition a number of technical colleges and vocational training institutes provide technical and vocational education at the secondary level. There are 10 national universities and a number of technical institutes and professional colleges providing university level higher education. In all these institutions, from kindergarten to the first degree level at the university education is given free of charge.

Primary education

320. The Government ratified the World Declaration on Education for All at Jomtien (Thailand) in 1990, accepting the principle of universal elementary education.

321. Education Ordinance No. 31 of 1939 made provision for the Minister of Education to make regulations for compulsory attendance at school for children between the ages of 5 and 16, with penalties for non-compliance. These regulations were officially introduced in 1995 and therefore primary education is now compulsory in Sri Lanka. Enrolment in primary education is high in Sri Lanka. According to the 1993 "Progress of nations" report published by UNESCO the percentage of children reaching grade 5 of primary education in Sri Lanka is 91 per cent, the highest in South Asia.

Higher education

322. Those who qualify by passing the General Certificate of Education (Advanced Level) examinations with the necessary marks are entitled to follow courses in higher education. Owing to limited facilities, students are selected on the basis of merit.

323. The National Education Commission in its draft policy statement highlighted the urgent need to provide alternative opportunities for higher education to all students who qualify for university education but who are deprived of it owing to restricted intake to universities. For example, in 1994, of the 148,984 candidates who sat for the Advanced Level examinations, 56,738 qualified for university education. However, only 9,013 students could be accommodated in the national universities.

Non-informal education

324. Some government agencies, as well as a large number of non-governmental agencies, have directed their energies to promoting alternative learning structures to meet the needs of non-school going children. The non-formal Education Division of the Ministry of Education has established over 700 literacy centres in areas where there is a concentration of non-school going children. Non-governmental agencies such as the Sarvodaya Movement and the Sri Lanka Mahila Samithi Movement have also organized such centres, where, in addition to basic literacy, vocational training for income generating purposes is also imparted.

325. Special curriculum materials have been prepared with UNICEF support and primary school teachers trained to use these materials. Some of the children targeted by these centres subsequently, re-enter primary school. However, less than 5 per cent of school children participate in these centres, which are not always located in areas in which considerable numbers of children are not in school.

326. Non-formal technical units were established in schools in the 1970s to provide vocational training to school leavers and drop-outs after school or during weekends, but they have had limited resources and need to be revamped.

327. The Government will also embark on a programme to achieve the ideal of universal basic education by the year 2000 and positive measures will be adopted to encourage those outside the formal school system to re-enter school, and to provide functional literacy at special centres. The voluntary organizations will be encouraged to launch advocacy programmes and provide material to encourage out-of-school children to attend school. Parent teacher associations will be requested to launch programmes in their areas to persuade parents of these children to enrol them in school.

Difficulties

328. The distribution of educational opportunities continues to be inequitable owing to the lack of prioritization in reducing regional disparities in the allocation of resources. Around 20 per cent of children do not have access to primary schools within 2 kms of their home. The percentage of one teacher and two teacher schools declined from 13.8 per cent in 1985 to 6.9 per cent in 1991 and around 225 of the country's schools and over 40 per cent in less developed districts are small impoverished schools with less than 100 students. Only 5.4 per cent of nearly 10,000 schools provide a senior secondary science education - the avenue to remunerative and prestigious employment.

329. The Ministry of Education and Higher Education has identified three areas with predominantly backward schools with less than 100 students which lack facilities to provide secondary education. These are: (i) plantation areas; (ii) remote areas, particularly in the dry zone; and (iii) disadvantaged areas in the principal cities.

A project has been designed and implemented with foreign assistance provided by the Swedish development assistance organization to develop these schools and considerable success has been achieved in this field.

330. Though Sri Lanka has achieved a high level of literacy and high school participation rates, the quality of education needs to be improved. Access to quality education is still a privilege of the affluent. Studies conducted by the National Education Institute have shown that student performance at the primary level is not satisfactory. The examination results at the General Certificate of Education, Ordinary Level, are another indication of poor performance.

331. The deterioration in the quality of teaching/learning is partly due to the decline in the percentage of professionally qualified teachers, (from 57.9 per cent in 1985 to 44.6 per cent in 1991) and the lack of a proper system of monitoring and evaluation.

332. Till 1985 there was an efficient grass-root level monitoring programme through the Circuit Education Officer System (earlier school inspectorate). The system was abolished giving way to the "cluster system" which was a failure from its very inception. The present thinking is to re-establish the system at Divisional Level.

Participation and retention

333. Currently around 4.2 million of the population are enrolled in schools. Educational participation rates are relatively high in the 5 to 14 age group, but there has been only marginal improvement since 1981 - 83.4 per cent in 1981 and 87.9 per cent in 1991 (tables 21 and 22). In fact the percentage of children out of school in the 5 to 9 age group even increased, from 15 per cent in 1981 to 19 per cent in 1986/87 and enrolment rates decreased in the period 1981-1991 in seven of the 25 districts.

Table 23. Educational participation rates - urban, rural (1981)

Age	Total			Urban			Rural		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
05-09	84.4	84.5	84.2	86.6	86.4	86.9	83.8	84.1	83.6
10-14	82.4	82.5	81.8	85.2	86.4	84.4	81.6	82.1	84.1
5-14	83.7	83.7	83.6	85.9	86.4	85.6	82.7	83.1	82.4
15-19	41.9	41.2	42.7	47.7	44.9	48.0	40.6	40.2	41.3
20-24	8.9	8.7	9.0	9.7	9.4	10.2	8.7	9.1	8.7
05-24	55.8	56	55.6	56.6	55.3	57.3	55.7	56.3	55.1

Table 24. Age specific enrolment rates in schools by gender, 1991

Age group	Male	Female	Total
05-09 years	90.1	87.3	88.7
10-14 years	86.6	87.5	88.1
05-14 years	88.3	87.4	87.9
15-19 years	37.5	42.6	39.9
20-22 years	3.1	4.6	5.8
05-22 years	62.1	63.4	62.8

334. Gender disparities are minimal in educational participation. Socio-cultural constraints on participation appear to be declining even in plantation communities of recent South Indian origin and in rural Muslim families (Jayaweera, 1990, 1993). However, drop-out rates in districts with concentrations of these communities are higher for girls than for boys. Overall drop-out rates are higher for boys than for girls, particularly in secondary grades. There are, in fact, more girls than boys in secondary

schools. The percentage of girls of the total enrolment in 1993 was 48.2 per cent in grades 1 to 5, 49.4 per cent in grades 6 to 8, 51.9 per cent in grades 9 to 11 and 57.9 per cent in grades 12 and 13 (Annual School Census, 1993).

Table 25. School enrolment, 1993

Year	Male		Female		Total
	Sinhala	Tamil	Sinhala	Tamil	
1	138 787	53 866	130 577	51 687	374 917
2	144 437	56 590	132 880	53 851	387 758
3	154 370	58 739	142 579	54 567	410 255
4	156 426	56 670	143 958	52 292	409 346
5	153 130	52 187	143 929	48 446	397 692
6	153 657	47 608	145 782	44 402	391 449
7	144 742	41 334	142 183	39 751	368 010
8	131 149	34 693	134 529	34 221	334 592
9	114 923	27 933	121 660	28 501	293 017
10	103 518	23 471	111 965	24 453	263 407
11	138 042	28 020	153 131	30 784	349 977
12	29 470	8 447	41 531	9 254	88 702
Total	1 562 651	489 558	1 544 704	472 209	4 069 062

Source: Statistics Branch, Ministry of Education and Higher Education.

335. It is estimated that around 8 per cent of an age cohort do not enter the school system and only around 90 per cent of those who enrol in grade 1 complete primary education, around 70 per cent reach grade 9, 20 per cent enter grade 12, and 2 per cent participate in other tertiary education facilities. Non-schooling is relatively high in pockets of disadvantaged areas, such as urban low income neighbourhoods, remote villages, new settlements and plantations. The participation rates of the poor and non-poor were estimated in 1986/1987 to be 79 per cent and 86 per cent in the 5 to 9 age group, and 4 per cent and 10 per cent in the 20 to 24 age group (Report on Consumer Finances and Socio-economic Survey 1986/87, Part I, Central Bank of Ceylon). Average years of schooling have been computed to be 5.8 and 5.6 years (male and female) for the poor and 7.3 and 7.1 years for the non-poor (World Bank).

Table 26. School drop-out ratios

Grade	1967	1971	1974	1978	1981	1987	1990
I	19	5	4	1	1	2	2
II	8	2	4	2	1	3	3
III	11	7	10	4	4	4	6
IV	14	8	11	4	5	6	5
V	14	8	13	5	6	6	6
VI	14	11	11	3	6	7	6
VII	13	9	12	2	6	7	7
VIII	12	11	14	2	7	8	8

Source: First report of the National Education Commission, 1992.

Literacy

336. Literacy rates for the population aged five years and above classified by sex and age groups are given below.

Table 27. Literacy rates

Age group	Male %	Female %	Total %
05 - 09	82.6	84.8	83.7
10 - 13	97.0	96.4	96.7
14 - 18	95.2	93.9	94.5
19 - 25	94.1	91.6	92.9
26 - 35	94.9	91.0	92.8
36 - 45	94.1	86.1	89.8
46 - 55	92.7	72.6	82.1
Over 55	87.8	59.5	73.7
Total	92.2	85.2	88.6

Source: Report on Consumer Finances and Socio-economic Survey 1986/87, Part I, Central Bank of Ceylon.

337. As the general census due to be held in 1991 has not been conducted, the latest statistics are not available, but it can be safely presumed that, with the welfare measures like the provision of school uniforms introduced in the 1990s, the position would have improved very much by now.

Government expenditure on education

338. As the school system is mainly controlled by the Government, it is also responsible for providing finances to run the system. In the 1960s the Government spent as much as 4.5 per cent of the GDP and 18 per cent of the annual government expenditure on education. However, in the late 1970s and early 1980s these figures came down to 2.3 per cent of GDP and 8 per cent of the annual budget. Now a trend towards increasing funds for social development is discernible and it has been targeted to spend 4.5 per cent of GDP on education by the year 2000. Financial data is given in the following table.

Table 28. Government expenditure on education

Year	Ed. expenditure as a percentage of government expenditure	Ed. expenditure as a percentage of GDP
1978	6.9	2.7
1990	9.6	3.0
1991	7.6	2.5
1992	10.7	2.9
1993	10.0	2.8
1994	10.6	3.1

Source: Sri Lanka Socio-economic Data 1995, Central Bank of Sri Lanka.

Network of schools

339. There is a widespread network of schools throughout the country. There are 10,193 government schools, 79 private schools and 488 religious schools, making a total of 10,760. Access to schooling is available even in the most difficult areas.

Schooling schedule

340. The existing system of education begins at the age of 5+ with a 5:3:3 system for general education after which the students qualify for higher and further education.

Primary level, years 1 to 5	5 years
Junior secondary level, years 6 to 8	3 years
Secondary level, years 9 to 11	3 years
Upper secondary level, years 12 and 13	2 years

341. The academic year starts in January and ends in December. It consists of three terms of 12 weeks approximately, with a short vacation at the end of each term. The total number of schooling days for the year ranges from 200 to 210 days.

Needs of special groups of children

342. There are certain groups which are disadvantaged with regard to equal access and equal participation, for example, children in rural and disadvantaged areas, in low-income groups, in war affected areas, of displaced families and physically and mentally disabled children. Action taken to eradicate these shortcomings consists of:

(i) Providing infrastructure facilities to schools;

(ii) Supply of furniture and other equipment to schools;

(iii) Implementation of quality improvement programmes in management and teacher training;

(iv) Improvement of status of teachers; media of instruction are Tamil and Sinhala; English is taught as the compulsory link language.

343. Both the Swedish International Development Agency (SIDA) and UNICEF have supported programmes for disabled children such as the training of teachers in the early detection of disabilities and in special teaching techniques in school based learning and in rehabilitation programmes. Around 7 per cent of primary school teachers have so far been trained in special education but less than 10 per cent of the children concerned have been reached so far.

344. Rehabilitation programmes have been conducted for children in refugee camps and other children in families affected by armed conflict.

345. Compared to the situation in other countries in the region, Sri Lanka's achievements in the field of education are remarkable. The future thrust should mainly be to improve the quality of education through the provision of better facilities, to make the curriculum more relevant to the national needs and to reach the 10 per cent of children of school-going age who are not in the system, either through getting them to enter the formal schools or benefit from alternative learning opportunities to make them useful citizens.

346. The principle of equity is a cardinal rule in providing educational opportunity in Sri Lanka. There is thus no discrimination on racial, religious, ethnic, linguistic or any other considerations. Whenever possible, physically handicapped children who do not fit into a normal school. Pockets of indigenous communities concentrate in far villages in remote locations and schooling facilities have been provided for them.

347. As mentioned earlier, affirmative action has been taken to enable disadvantaged groups to attend school through various ancillary services provided free of charge, such as free books, midday meal and school uniforms.

348. There are two main languages, Sinhala and Tamil, which are recognized as the medium of instruction in schools. English is also taught as a compulsory second language. There is no discrimination on the basis of language.

349. There are 190,000 teachers serving in government schools and they are paid according to government scales of salary. The teaching service was restructured recently, providing salary scales equivalent to the other professional services in the country. Teachers are given official leave for professional training, with full pay during the period of training. Action is being taken to set up a national authority on teacher education to take care of all aspects of teacher education.

350. There are 79 private schools, out of 10,760, which are outside the control of the Government. These are managed mostly by denominational bodies. In the case of some of these schools the salaries of teachers are paid by the Government. These schools have to conform to national standards with regard to curriculum and examination requirements, etc. However, they charge students "tuition" fees and to that extent they are a privileged group of schools. There are also a few international schools, which have sprung up recently to cater mainly to expatriate students, but which also admit local children, who are taught in the English medium.

351. There has been no legislation or policy statements which negate the rights enshrined in article 13.

352. International assistance is required for the development of the following areas:

(i) Quality improvement through developing the curriculum, and training of educational and administrative personnel;

(ii) Upgrading of deprived schools, particularly small schools;

(iii) Provision of teaching, learning materials, book development, etc.

353. Sri Lanka is unique among the developing countries in that, with a low per capita income, it is outstanding in the physical quality of life of the people. Its human development index is 0.665. This achievement is mainly a result of its emphasis on policies for the development of education and health facilities.

Article 15

Protection of copyright

354. Rights of authors of original scientific, literary or artistic work, are protected by the provisions of part II of the Code of Intellectual Property Act No. 52 of 1979. Both economic and moral rights are protected. The Act, which is based on the model law for developing countries proposed by the World Intellectual Property Organization, revised, consolidated, amended and embodied in the form of a code the law relating to copyright, industrial designs, patents, marks and unfair competition, and was meant to provide for better registration, control and administration of such matters. The Code

makes constructive provision to enforce the rights of authors of original works. Derivative works are also protected. The owner of copyright has the exclusive right to reproduce such work, make translations, adaptations, arrangements or other transformation of the work and to communicate the work to the public by performance, broadcasting or any other means. The owner is entitled to both economic and hormal rights, which would generally subsist for the life of the author and 50 years thereafter.

355. The Department of Patents and Trademarks is the national intellectual property office. It is responsible for the proper administration of copyright in the country.

356. The Registrar has general control and superintendence of all persons appointed or engaged in carrying out the provisions of the Code. It is his statutory duty to take all necessary steps to promote and encourage awareness concerning copyright and to set up societies for the protection of copyright. The Department promotes awareness by organizing seminars and workshops on the subject. It also provides an advisory service to those concerned, provided the rights of others.

357. Registration of copyright is not necessary in Sri Lanka. A work is protected automatically by the operation of the law.

Scope of protection

358. Copyright protection in Sri Lanka extends to a wide area, covering:

(a) Works of authors who are nationals of, or have their habitual residence in, Sri Lanka;

(b) Work first published in Sri Lanka;

(c) All works, by virtue of a treaty entered into by Sri Lanka are to be protected as well as Sri Lanka's folklore.

359. In the case of works of Sri Lanka's folklore the rights are exercised by the Minister of Cultural Affairs.

360. Any person who infringes any of the rights protected under part II of the Code may be prohibited by injunction from continuing such infringement and may also be liable for damages. Infringement of copyright is an offence punishable with a fine or imprisonment or both. The Code also makes provision with regard to importation in violation of copyright.

361. The Code also provides for the establishment of societies of copyright owners to facilitate the collective administration of copyright.

Difficulties

362. The following difficulties are encountered:

(i) Lack of awareness among authors, publishers and the public;

(ii) The high cost of litigation. The only redress in the case of infringement of copyright is resort to legal action, which is very expensive and long drawn out in Sri Lanka. Thus it has been recognized that there is a need for a mechanism such as conciliation or arbitration to resolve copyright disputes.

Development of science and technology

363. Most of the functions mentioned under these points are covered by Act No. 78 of 1981 relating to the Natural Resources, Energy and Science Authority (NARESA) and its duties, functions and powers, of which point 9 (a) reads: "States to advise the Minister regarding (ii) states policies and measures for the management and development of the natural resources of Sri Lanka in a manner consistent with the national interests". Among the duties of NARESA is to advise the Minister regarding the "measures for the promotion and development of national self-reliance in the application of science and technology for the benefit of the people of Sri Lanka". Under 9 (b), NARESA is expected "to collect and disseminate information on any aspects relating to scientific and technical matters and to provide information and education to the public regarding such matters".

364. NARESA which comes under the Ministry of Science, Technology and Human Resources Development has a steering committee on natural resources which focuses on conservation and regulated use of natural resources. There is also a separate steering committee for the UNESCO sponsored Man and Biosphere programme.

365. To safeguard and prevent harm to the environment there is a statutory body, the Central Environment Authority (CEA), which comes under the Ministry of Transport, Environment and Women's Affairs. This body is empowered to conduct an environment impact assessment (EIA) before any industrial or development project gets government approval. Private laboratories conduct EIAs, but regulations under the Sri Lanka Standards Institution Act are being prepared to make their accreditation mandatory from June 1996.

366. Diffusion of information on scientific progress takes place through sectoral scientific journals, for example, Ceylon Medical Journal, and general scientific journals like the NARESA journal of the National Science Council, and a variety of periodicals, for example, Vidurawa published by NARESA and private publications like Vidusara of the Island Group of newspapers.

367. Measures to prevent the use of scientific and technical progress against the enjoyment of human rights come under the general provisions respecting human rights set out in the Constitution.

368. The protection of moral and material interest resulting from any scientific work is rather weak. There is provision under Patent Laws for protection of these rights disappeared.

Development and diffusion of sciences

369. The Education Ministry is undertaking a study, with World Bank and Asian Development Bank (ADB) funding, to assess the shortcomings in science education at the primary, secondary and tertiary levels. Once the study is completed, action will be taken to rectify the identified shortcomings.

370. The Ministry of Science, Technology and Human Resources Development has also initiated a study with ADB funding to determine the needs at tertiary levels of science and technology personnel to meet future industrial needs.

371. The Minister of Science, Technology and Human Resources Development is arranging an interministerial meeting with the Minister of Education and Higher Education and relevant staff and experts to identify shortcomings in science and technology education and take suitable corrective action.

372. The newspapers, radio and television carry features and supplements and also have separate programmes and publications to convey to the public basic scientific concepts and new developments that have practical applications. The Government is giving all support to these ventures.

373. There are no legal restrictions that interfere with scientific research. Individuals, scientists and institutions are free to carry out whatever research they wish. In fact, there are no specific restrictions on animal experiments and scientists are not required to get special licences to perform such experiments. There are no restrictions on the exchange of scientific and technical information between scientists and their respective institutions. The practice of ethnical review for human experimentation exists, but legal provision is just being formulated.

374. The Ministry of Science, Technology and Human Resources Development gives an annual grant to the Sri Lanka Association for the Advancement of Science. This year it has commenced giving an annual grant to the National Academy of Sciences of Sri Lanka and also provided it with office accommodation and some equipment. Various professional associations are given small grants when the need arises. The promotion and funding of research is one of the functions of NARESA and it has an annual grants programme. Applications are entertained from institutions and individual scientists. The grants cover cost of supplies, equipment and hire of personnel. The quantum of each grant has been increased almost tenfold in the last year.

375. The major difficulty in the above areas has been the limitation of funds.

International cooperation

376. NARESA has an interministerial contacts fund which is entirely supplied by SAREC of Sweden (now called SIDA). This is used to fund visits of scientists to scientific meetings abroad. Scientists also interact with colleagues abroad through a number of United Nations agencies like WHO. These agencies also provide travel grants and training fellowships, but they are for limited periods and identified subjects.

377. There are opportunities for scientific interaction and visits through regional cooperation, for example in the context of SAARC. There are also opportunities for scientific interaction through bilateral cooperation at governmental and NGO level. Those in State organizations can avail themselves of these opportunities only if they are channelled through the official government mechanisms like the Department of External Resources.

Cultural policy

378. The Government has recognized culture as an essential component of overall planning and as a medium of national integration. Culture is viewed in the conceptual framework of building peace as well as national development. Thus the culture and traditions of all communities will be protected and preserved. As cultural identity is essential for the socio-economic progress of the people, steps will be taken to develop and foster literature, architecture, music, dance, drama and other living cultural forms.

379. In order to achieve these objectives, the Government will adopt a three-pronged approach. It is necessary to draw up relevant legislation, set up suitable institutions and meet the financial commitments necessary for achieving the programmes.

380. The following activities are proposed to be undertaken by the Ministry of Cultural and Religious Affairs for the development of culture, in keeping with the election manifesto of the Government:

Establish a national council for cultural policy. This Council will be representative of all ethnic groups, religions and regions;

Establish a documentation centre to collect statistics, survey cultural needs and resources;

Develop the activities of the National Arts Council, Literature and other Sub-Committees, with minimum State interference but with substantial assistance;

Revise the Public Performance Board Act, taking into account the developments in modern visual media, such as television and video. Steps will also be taken to frame legislation to eradicate publication of obscene literature and other forms of pornographic visual media which would be a threat to the cultural life of the people;

Re-examine the Code of Intellectual Property Act with special reference to copyright policy;

Develop a national programme to promote Sinhala and Tamil literature;

Raise the standard of children's literature. Special facilities will be provided to create children's drama and performance of children's plays;

Promote publication of quality books and encourage new writers. Steps will be taken to review and if possible remove import duty on books, journals and newspapers of educational, literary and cultural value;

Steps will be taken to establish a writers' bureau in Colombo with necessary facilities;

Preserve and nurture traditional forms of music, dance and folk art and provide for a monthly allowance scheme to enable aged artists to live a life of dignity;

Give assistance in the field of drama by setting up a national theatre institute, which will be part of the planned major Colombo cultural complex;

Establish cultural centres in every Divisional Secretary's division. An auditorium and training centre will be set up in every district for the benefit of artists and the public;

Establish a Wakf house that will accommodate the Department, the Wakf Board, the Wakf Tribunal and a centre for Muslim cultural activities under one roof;

Develop a programme to cater to the cultural needs of plantation workers;

Review cultural activities in the urban, rural, plantation and seaboard areas;

Establish libraries in central places within each Divisional Secretary's division;

Establish a Hindu cultural centre in Colombo with all modern facilities. The original proposal was to redevelop the Gintupitiya Murugan Theatre on the same lines as the redevelopment of the Elphinstone Theatre as a cultural centre for staging Tamil drama and films and teaching music and dance.

381. The Ministry of Religious and Cultural Affairs is responsible for the implementation of the Government's policy on culture. The following Departments have been established under the Ministry:

Department of Archaeology;

Department of Cultural Affairs;

Department of National Museums;

Department of National Archives;

Department of Hindu Cultural and Religious Affairs;

Department of Muslim Cultural and Religious Affairs;

Central Cultural Fund;

Tower Hall Theatre Foundation;

Public Performance Board.

Availability of funds

382. Approximately 15 per cent of government expenditure is allocated for cultural and religious affairs and is disbursed to the Ministry and the departments functioning under it for the purpose of general administration and implementation of policies and projects. The State supports private initiative by organizing cultural festivals and competitions in the fields of art, drama, literature, etc., and by the presentation of cash awards and scholarships for further study. However, State funds available to support private initiate are limited. Thus community participation in cultural activities is actively encouraged. In a healthy development, private companies are now increasingly involved in the sponsorship and support of the arts.

Institutional infrastructure

Museums

383. The Department of Museums maintains and administers the following museums of cultural significance and interest, established by the Government, in Colombo and the provinces, to inform and educate the public of their cultural heritage.

Museums in Colombo

The Colombo National Museum. This is the oldest and largest museum in the country. It is home to a vast collection of objects and artifacts representing the present-day as well as the ancient culture of Sri Lanka, including masterpieces of ancient art;

The Natural History Museum;

The Dutch Period Museum.

Provincial museums

The Kandy National Museum;

The Galle Museum;

The Galle Maritime Museum;

The Ratnapura Museum;

The Anuradhapura Folk Museum.

384. The Martin Wickramasinghe Folk Art Museum is the only museum of cultural importance which was established and is maintained by a private trust. It is the home of the eminent and prolific Sri Lankan writer, which has been preserved for posterity. The Mobil Museum of the Department of Museums has display panels depicting aspects of the culture of Sri Lanka. It travels to the remotest areas in the country. Under a schools' museum project, the Department is setting up small museums in selected schools outside Colombo, with exhibits of both cultural and scientific interest.

385. The education and publication unit of the Department publishes research monographs and reprints rare books which are sold at a reasonable price in the Museum Book Shop.

Libraries

386. There are approximately 467 public libraries in Sri Lanka. In addition there are a vast number of school, university, institutional and special libraries.

Tower Hall Theatre Foundation

387. The Tower Hall Theatre Foundation established under Act No. 1 of 1978 is responsible for the conservations and development of drama in Sri Lanka. For 1996, SRs. 20 million has been set apart to establish a welfare fund for artists.

Cinemas

388. Some 250 cinemas situated around the island screen about 140 films each year. This number includes approximately 25 films produced in the Sinhala language in Sri Lanka and 80 English, 30 Tamil and 5 Hindi films imported to Sri Lanka by the National Film Corporation.

Theatres

389. There are approximately 125 drama theatres established island-wide. This number includes government, semi-government, private and school theatres.

Minorities and indigenous people

The minority Tamil and Muslim communities

390. The minority Tamil and Muslim communities in Sri Lanka have every right to practise and enjoy their culture. Days of cultural and religious significance to the Tamils and Muslims are public holidays and celebrated at a national level, with State patronage.

391. No discrimination is made against any ethnic group as far as air time or newspaper space is concerned in the electronic and print media. The media promotes and reflects the pluralistic nature of culture in Sri Lanka. The Sri Lanka Broadcasting Corporation has three distinct services catering for Sinhala, Tamil and Muslim listeners. The Sri Lanka Rupavahini Corporation runs its programmes in Sinhala, Tamil and English. The State and private newspaper companies publish dailies and weeklies in Sinhala, Tamil and English.

392. Every effort is made to maintain the identity of the different ethnic groups. Programmes on radio and television and space in newspapers are liberally made use of in furthering the interests of a pluralistic society.

393. Tamil, the language of the Tamils and also of the majority of Muslims, was made an official language and English the link language, in recognition of the fact that that language is an important symbol of culture. Every effort is being made to promote trilinguism in Sri Lanka, so that language becomes a vehicle of peace, co-existence and prosperity.

394. The Muslims, from colonial times, have enjoyed the right to be governed by their Personal Law, an important aspect of their culture, in matters pertaining to marriage, divorce and family affairs. Successive Governments have guaranteed the continued enjoyment of this right.

395. The State is also actively involved in the promotion of awareness and enjoyment of the cultural heritage of both the Tamil and Muslim communities. The Department of Hindu Religious and Cultural Affairs and the Department of Muslim Religious and Cultural Affairs of the Ministry are responsible for the promotion and protection of these cultures. In pursuance of the objectives of the Department of Hindu Religious and Cultural Affairs, the following programmes are being implemented:

Promotion of Hindu religion;

Research on Hindu and Tamil culture;

Promotion of Tamil language and culture;

Education in Karnatic music and dance.

Incidental to these objectives and programmes, the Department administers the following institutions:

Hindu Cultural Fund;

Swami Vipulananda College of Music and Dance;

Pilgrim's Rest, Kataragama;

Hindu Cultural Hall, Batticaloa;

Research Library.

396. The Department of Muslim Religious and Cultural Affairs deals with all matters pertaining to Muslim religion and culture, including publication of Muslim books and giving financial assistance to deserving organizations, mosques, madrasas and Arabic schools.

Indigenous people

397. In celebration of the International Year of Indigenous People, the Ministry of Environment established a national committee in 1993, with Cabinet approval, to embark on a programme to enhance knowledge and understanding of the indigenous people of Sri Lanka, (the Veddas), and to assist them to improve their living standards while preserving valuable aspects of their culture. The programme of action undertaken by the Committee emphasized publicity, research, education and publication (see annex).

398. Upon the proclamation of the United Nations Decade of Indigenous People, the Ministry of Environment decided to set up a permanent forum to deal with matters pertaining to indigenous people. A seminar and workshop organized by the Ministry in April 1996 brought together academics, researchers and policy planners to draw up an appropriate plan of action for the Decade. A major concern of the permanent forum will be the preservation of the culture and lifestyle of the Veddas, and the creation of awareness, through the media, of the right of indigenous people to preserve their lifestyle. Effective implementation of the plan of action of the forum will depend on the funds available to it. A major constraint of the National Committee for the International Year of Indigenous People was the paucity of funds, and many of the activities planned for the Year suffered as a result.

The role of the media

399. The media plays an important role in promoting participation in cultural life. A large number of newspapers published in Sinhala, Tamil and English inform the public of the cultural events taking place in different parts of the country, and carry articles, discussions and reviews on aspects of culture in Sri Lanka and abroad. The radio and television stations cater to different tastes and needs in various formats and genres, such as talks, discussions, musical programmes, dramas and documentaries.

Preservation and presentation of the cultural heritage of Sri Lanka

400. The Department of Archaeology is responsible for the preservation of the cultural heritage of Sri Lanka. The Department's functions include exploration, excavation of ancient sites, conservation of sites and cultural objects, exhibiting, research and publication. Seven sites of major historical significance are managed by the Central Cultural Fund of the Ministry. Of these, six have been declared World Heritage Sites. They are:

Abhayagiriya Monastery;

Jetavana Monastery;

Polonnaruva Alahana Pirivena (monastery);

Ancient palace and water gardens of Sigiriya;

Painted caves of Dambulla;

Sacred city of Kandy.

Freedom of artistic creation and performance

401. The Constitution guarantees the freedom of speech and expression, including that of publication. This right may only be restricted by law in the interest of racial and religious harmony, or in relation to parliamentary privilege, contempt of court, or defamation or incitement to an offence (art. 15 (2)).

402. All films to be shown and drama scripts to be staged have to be approved by the Public Performance Board (established by Act No. 40 of 1960). The Board has the right to censor films and dramas which are considered culturally inappropriate. The Government is hoping to amend the Public Performance Board Act to cover small cinemas and video parlours.

Professional education

403. The university system in Sri Lanka is committed to promoting and developing higher education in the fields of culture and art. The following courses of undergraduate study are offered by the universities:

Arabic;

Arabic and Islamic Civilization;

Archaeology;

Classical Languages;

Christian and Islamic Civilization;

Fine Arts;

Islamic Studies;

Pali & Buddhist Studies;

Siddha Medicine;

Sinhala;

Tamil;

Hindu Civilization;

Languages and Cultural Studies;

English;

Western Classical Culture;

Modern Languages;

Sanskrit;

Ayurveda and Unani Medicine.

The universities also award master's degrees and doctorates in many of the above subjects.

404. Two institutions, the Post Graduate Institute of Archaeology and the Post Graduate Institute of Buddhist and Pali Studies offer specialized further education in these two fields. The Institute of Aesthetic Studies offers post graduate courses in art, sculpture, dancing and music.

Other steps taken for the conservation, development and diffusion of culture

405. A number of institutions established and incorporated under an Act of Parliament are engaged in the conservation, development and diffusion of culture in Sri Lanka.

The Arts Council of Ceylon

406. The Arts Council was established by Act No. 18 of 1952, for the fulfilment of the following objectives:

To develop greater knowledge, understanding and practice of the fine arts;

To increase the accessibility of works of art to the public;

To improve standards of execution in the fine arts;

To preserve, present and encourage the development of arts and crafts that are indigenous to Sri Lanka;

To advise and cooperate with government departments, local authorities and bodies on matters concerned with the above objectives.

407. The Act provides for the appointment of sub-panels under the Council, for the purpose of advising and assisting the Council on the general advancement of specific areas of culture. At present there are 15 sub-panels in the following areas:

Sinhala Literature;

Tamil Literature;

Western Literature;

Folklore;

Cinema;

Western Music;

Puppetry;

Eastern Music;

National Dancing;

Painting and Sculpture;

Sinhala Drama;

Folk Songs and Folk Music;

Karnataka Music and Bharathanatyam;

Children's Drama;

Ballet;

Tamil Drama.

The Kandyan Arts Association, Mahanuwara

408. The Kandyan Arts Association, Mahanuwara was established by Act No. 5 of 1980 for the protection, training, upliftment, evaluation and development of diverse types of arts and artistes especially in the Kandyan area, and for the setting up of a fully equipped Institute of Arts and Crafts.

Sri Lanka Sahitya Mandalaya

409. The Sri Lanka Sahitya Mandalaya was set up by Act No. 31 of 1958 for the express purpose of the advancement of literature in the national languages, i.e. Sinhala, Tamil and English.

Institute of Sinhala Culture

410. The Institute of Sinhala Culture was incorporated by Act No. 42 of 1980 for the preservation and development of Sinhala culture and the promotion and instilment of interest and appreciation of Sinhala culture among youth.

Craft

1. 411. Sri Lanka has a rich tradition of indigenous craft, encompassing pottery, textile weaving, mat weaving, wood carving, gold and silver work, iron and brass work, cane work, etc., in which art and labour go hand-in-hand. The preservation and promotion of craft as an important aspect of the cultural heritage of Sri Lanka is a matter of national policy. The Ministry of Rural Industries, together with three institutions established under it, namely the National Craft Council, the National Design Centre and the Sri Lanka Handicraft Board, is involved in protecting and developing the traditional skills of rural craftspeople in Sri Lanka. These institutions ensure that craft production is not only a way of life, giving a sense of self-fulfilment, but a source of income for those engaged in it.

412. The National Craft Council is concerned with the preservation and development of handicrafts, both traditional and new. The Council is involved in the following activities in pursuance of this objective:

The establishment of master craftsman training centres and programmes to preserve and propagate craft skills;

The establishment of craftsman associations and regional councils to bring people together to discuss and solve problems pertaining to their crafts, and to develop crafts in general;

The organizing of provincial and national exhibitions in order to give craftspeople an opportunity to display their skills;

Recommending suitable craftspeople for national honours and awards;

The Council makes available raw materials, tools and equipment needed for craft production and also arranges for the cultivation of certain raw materials, such as bamboo, rattan, cane, etc.;

The organizing of credit facilities and insurance schemes for craftspeople;

The organizing of exchange programmes for craftsmen, with the assistance of the World Craft Council;

Publication twice yearly of a magazine, Craft News, for the dissemination of information and knowledge relating to crafts.

413. The National Design Centre is involved in interaction and synthesis between the designer and craftsman, in reviving and reorienting the creativeness of the master craftsman to the contemporary situation. The centre undertakes research, innovation and training.

414. The Sri Lanka Handicrafts Board is committed to preserving the way of life of craftspeople by assisting in the marketing and export promotion of crafts. Purchasing of handicrafts is one of the major activities of the Board. Through its decentralized purchasing programme, it purchases the creations of craftsmen at their doorstep, while educating them on design concepts and quality. These purchases are sold locally at 20 sales outlets located in principal towns. There are 3,800 craftsmen registered with the Board, of whom approximately 2,000 are active suppliers. The Board assists in the export of craft objects by providing information pertaining to potential importers, tariff, customs procedures, etc.

Constitutional provisions

415. The Constitution of Sri Lanka guarantees the freedom of expression as a fundamental right. Article 14 (1) (a) protects the freedom of speech and expression, including publication. Article 14 (1) (f) asserts that every citizen is entitled to the freedom, by himself or in association with others, to enjoy and promote his own culture and to use his language. Article 14 (1) (e) protects the freedom, either by oneself or in association with others and either in public or in private, to manifest one's religion or beliefs in worship, observance, practice and teaching.

416. The infringement or imminent infringement of these rights is justiciable in a court of law.

417. The Directive Principles of State Policy in article 27 (10) of the Constitution also provide that the State shall assist the development of the cultures and the languages of the people.

Annex

International Year for the World's Indigenous People

Action Plan of the National Committee - Sri Lanka

1. Publicity

(i) Two stamps have been issued to commemorate the International year of the World's Indigenous People (in September 1994).

(ii) Publicity to be given through all media, films, posters, brochures, etc.

(iii) Telecasting of David Bellamy's NORAD funded "Routes of wisdom" television series. The international launch was at 7.00 p.m. on 6 December 1993 at the Bandaranaike Memorial International Conference Hall.

(iv) Preparation of a photo album on the Veddas.

2. Exhibitions and seminars

(i) A special session of the SLAAS on this theme was organized on 8 December 1993 together with the annual sessions at the University of Peradeniya.

(ii) To participate in international conferences in the field, Mr. Sunil Sarath Perera and Mr. T.M. Gunawadena, an undergraduate and a grand nephew of Vedda Chief, Tissahamy, attended a conference in Manila in April; Prof. K.N.O. Dharmadasa and Mr. Mudiyanse Tennakoon attended another in Malaysia in late November 1993.

(iii) A series of lectures and panel discussions was organized.

3. Education and Research

(i) Launch an educational programme in coordination with UNESCO and the Ministry of Education.

(ii) Document research studies on the system of medicine and health care traditionally used by Veddas.

(iii) Carry out a pre-survey of indigenous communities in Sri Lanka by Cultural Survival (action already indicated). This will be followed, in due course, by a census of indigenous communities conducted by the Department of Census and Statistics. Funding has been requested from ILO.

4. Publications

(i) Published special issues of Soba, magazine of the Ministry of Environment, devoted to indigenous people and their culture, in September 1993 and January 1994.

(ii) To collate information available on videos and films at World View, Government Film Unit etc., and prepare a comprehensive inventory.

(iii) To publish literature on Vedda dialects (extracts of Wiveca's Thesis were published in Soba in the September 1993 issue);

(iv) To publish songs and poems of the Vedda community (these have been collected but not yet published);

(v) To publish a bibliography of available literature on the Veddas (published in Soba in the September 1993 issue);

(vi) To publish relevant research of the Postgraduate Institute of Archaeology (the research is still underway);

(vii) To launch a research study of Coastal Veddas of the Eastern Province by the Eastern University, (the research is underway).

5. Institutional development

(i) Archiving and storing oral traditions and films in the Government Film Unit;

(ii) Establish an environmental research centre at Kataragama for the documentation of oral traditions of the indigenous people.